

By Brook / Caputo

S.B. No. 11

A BILL TO BE ENTITLED

AN ACT

relating to appropriations for the biennium ending August 31, 1991.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE I. GENERAL PROVISION

SECTION 1.01. DEFINITION. In this Act, "General Appropriations Act" means Chapter 1263, Acts of the 71st Legislature, Regular Session, 1989.

ARTICLE II. REDUCTIONS IN APPROPRIATIONS

SECTION 2.01. BOND DEBT SERVICE. (a) The amount appropriated to the National Research Laboratory Commission by Item 4., page III-53, General Appropriations Act, for bond debt service is reduced by \$9.8 million for the fiscal biennium ending August 31, 1991.

(b) The amount appropriated to the Texas Public Finance Authority by Item 4., page I-124, General Appropriations Act, for bond debt service is reduced by \$10.2 million for the fiscal biennium ending August 31, 1991.

(c) The amount appropriated to the Texas Public Finance Authority by Item 5., page I-124, General Appropriations Act, for bond debt service is reduced by \$1.4 million for the fiscal biennium ending August 31, 1991.

SECTION 2.02. STATE CONTRIBUTIONS TO GROUP INSURANCE. The amount appropriated to the Employees Retirement System of Texas by Item 2., page I-109, General Appropriations Act, for state

1 contributions to state employees uniform group insurance coverages
2 for the fiscal year ending August 31, 1991, is reduced by \$11.7
3 million. Rider 6., page I-113, General Appropriations Act,
4 continues to apply to determine the rate of contribution for each
5 full-time active or retired employee.

6 SECTION 2.03. PRISON OPERATION. The total amount
7 appropriated to the Department of Corrections (Texas Department of
8 Criminal Justice) by Item 9., page I-83, General Appropriations
9 Act, for operation of additional capacity is reduced by \$9.7
10 million for the fiscal biennium ending August 31, 1991. The Texas
11 Board of Criminal Justice shall determine and certify to the
12 comptroller of public accounts the source or sources of the
13 reduction from among the subitems in Item 9.

14 SECTION 2.04. GOVERNOR. The total amount appropriated to
15 the Office of the Governor on page I-138, General Appropriations
16 Act, from the general revenue fund for the fiscal biennium ending
17 August 31, 1991, is reduced by \$1 million. The governor shall
18 determine and certify to the comptroller of public accounts the
19 source or sources of the reduction from among the general revenue
20 fund appropriations.

21 SECTION 2.05. LEGISLATURE. (a) The amount appropriated to
22 the senate by Rider 1., page VI-1, General Appropriations Act, for
23 the fiscal biennium ending August 31, 1991, is reduced by \$500,000.

24 (b) The amount appropriated to the house of representatives
25 by Rider 2., page VI-2, General Appropriations Act, for the fiscal
26 biennium ending August 31, 1991, is reduced by \$1 million.

27 (c) The amount appropriated to the Legislative Budget Board

1 by Rider 6.a., page VI-3, General Appropriations Act, for the
2 fiscal biennium ending August 31, 1991, is reduced by \$500,000.

3 (d) The amount appropriated to the Sunset Advisory
4 Commission by Rider 8.b., page VI-4, General Appropriations Act,
5 for the fiscal biennium ending August 31, 1991, is reduced by
6 \$100,000.

7 (e) The amount appropriated to the Legislative Council by
8 Rider 1., page VI-6, General Appropriations Act, for the purposes
9 for which money is appropriated by Item 1., page VI-5 of that Act,
10 for the fiscal biennium ending August 31, 1991, is reduced by
11 \$500,000.

12 (f) The amount appropriated to the State Auditor's Office by
13 Rider 4., page VI-8, General Appropriations Act, for the fiscal
14 biennium ending August 31, 1991, is reduced by \$500,000.

15 SECTION 2.06. UNIFORM STATEWIDE ACCOUNTING SYSTEM. The
16 amount appropriated to the comptroller of public accounts for
17 allocation to state agencies for implementation of the Uniform
18 Statewide Accounting System on page I-74, General Appropriations
19 Act, is reduced by \$8 million for the fiscal biennium ending
20 August 31, 1991.

21 SECTION 2.07. ADULT PROBATION COMMISSION. (a) The amount
22 allocated to the Adult Probation Commission by Rider 1., Item 1.,
23 page I-234, General Appropriations Act, for capital outlay is
24 reduced by \$3.2 million for the fiscal biennium ending August 31,
25 1991.

26 (b) The amount appropriated by Item 2., page VII-1, General
27 Appropriations Act, for acquisition of computer equipment and

1 software is reduced by \$3.2 million for the fiscal year ending
2 August 31, 1990.

3 SECTION 2.08. SOURCE OF REDUCTIONS. Any reductions in
4 appropriations provided for in this article are from amounts
5 previously appropriated from the general revenue fund unless
6 otherwise specified.

7 ARTICLE III. APPROPRIATIONS
8 TO CENTRAL EDUCATION AGENCY

9 SECTION 3.01. BUDGET REDUCTIONS. In addition to amounts
10 previously appropriated for the biennium ending August 31, 1991,
11 all amounts resulting from the reductions in appropriations from
12 the general revenue fund provided for in Article II of this Act,
13 estimated to be \$58.1 million, are hereby appropriated to the
14 Central Education Agency for the biennium ending August 31, 1991,
15 for purposes of distribution under the Foundation School Program.

16 SECTION 3.02. ECONOMIC STABILIZATION FUND. In addition to
17 amounts previously appropriated for the biennium ending August 31,
18 1991, all amounts in the economic stabilization fund during the
19 biennium are appropriated for that period to the Central Education
20 Agency for purposes of distribution under the Foundation School
21 Program.

22 SECTION 3.03. GENERAL REVENUE APPROPRIATION. (a) In
23 addition to sums appropriated under Chapters 1263 and 816, Acts of
24 the 71st Legislature, Regular Session, 1989, to the Central
25 Education Agency for the Foundation School Program, the sum of
26 \$517,000,000 is appropriated to the agency for the fiscal year
27 ending August 31, 1991, from the general revenue fund, including

1 any transfers to the foundation school fund, for allocation under
2 the Foundation School Program. Of that amount, \$456,629,020 is a
3 sum certain under Section 16.254(d), Education Code, and
4 \$60,370,980 is for purposes of Section 1.21, S.B. 1, Acts of the
5 71st Legislature, 6th Called Session, 1990. If the amount
6 designated for purposes of Section 1.21, S.B. 1, is insufficient
7 for the purposes of that section, the commissioner shall
8 proportionately reduce the amount to which each district is
9 entitled under that section.

10 (b) The appropriation made by this section is reduced by any
11 amounts appropriated for that purpose by Sections 3.01 and 3.02 of
12 this article.

13 SECTION 3.04. PUBLIC EDUCATION DEVELOPMENT FUND. For the
14 fiscal year ending August 31, 1991, the sum of \$5 million is
15 transferred from the general revenue fund to the public education
16 development fund created under Section 11.271, Education Code, as
17 added by S.B. 1, Acts of the 71st Legislature, 6th Called Session,
18 1990, and all balances accruing to that fund are appropriated to
19 the Central Education Agency for the purposes of that fund.

20 SECTION 3.05. FACILITIES INVENTORY. For the fiscal year
21 ending August 31, 1990, the sum of \$5 million is appropriated from
22 the general revenue fund to the Central Education Agency for the
23 purpose of the facilities inventory under Section 16.401, Education
24 Code, and the unexpended balance is appropriated to the agency for
25 the same purpose for the fiscal year ending August 31, 1991.

26 SECTION 3.06. PROFESSIONAL DEVELOPMENT PROGRAMS. For the
27 fiscal year ending August 31, 1991, the sum of _____ is

1 appropriated from the general revenue fund to the Central Education
2 Agency for the purpose of funding programs referred to in Section
3 13.353(e), Education Code.

4 SECTION 3.07. GENERAL COUNSEL SALARY. In addition to the
5 salary specified by the General Appropriations Act for the exempt
6 position of general counsel of the Central Education Agency, the
7 agency may pay the general counsel up to 10 percent more than the
8 specified salary if the general counsel is certified in a specialty
9 area by the State Bar of Texas that the commissioner of education
10 determines is directly related to the employment duties of the
11 general counsel. The agency shall report any payment under this
12 section to the Legislative Budget Board at the end of each fiscal
13 year in the biennium.

14 ARTICLE IV. APPROPRIATIONS TO
15 OTHER AGENCIES

16 SECTION 4.01. TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL
17 RETARDATION. (a) In addition to amounts previously appropriated
18 for the biennium ending August 31, 1991, the sum of _____ is
19 appropriated, for the fiscal year ending August 31, 1991, from the
20 general revenue fund to the Texas Department of Mental Health and
21 Mental Retardation for the purpose of complying with the settlement
22 agreements in the RAJ and Lelsz cases.

23 (b) In addition to amounts previously appropriated for the
24 current fiscal biennium, the sum of \$6.1 million is appropriated to
25 the Texas Department of Mental Health and Mental Retardation from
26 the proceeds of the issuance of bonds previously authorized by the
27 approval of the voters of S.J.R. No. 24, Acts of the 71st

1 Legislature, Regular Session, 1989, for the two-year period
2 beginning on the date the proceeds become available. The funds are
3 to be used for the conversion of open-bay dormitories in state
4 schools as required to meet federal Intermediate Care Facility for
5 Persons with Mental Retardation (ICF-MR) standards and for other
6 court-related construction, repair, and renovation projects in
7 state facilities.

8 (c) Notwithstanding any provision of the General
9 Appropriations Act, the Texas Department of Mental Health and
10 Mental Retardation may transfer, from amounts previously
11 appropriated by Article VII of the General Appropriations Act and
12 allocated by Rider 1., page II-58, of that Act to the department
13 for capital outlay, not more than \$4 million to any other item of
14 appropriation, for the purpose of complying with the RAJ and Lelsz
15 settlement agreements. The unobligated and unexpended balance of
16 any amount transferred under this subsection during fiscal year
17 1990 is reappropriated to the department for fiscal year 1991 for
18 the same purpose for which the amount is transferred.

19 (d) Rider 10., page II-61, General Appropriations Act, is
20 amended to read as follows:

21 10. FEDERAL COLLECTIONS. The Department of Mental Health and
22 Mental Retardation shall implement procedures for maximizing
23 collections under Title XVIII and Title XIX of the Social
24 Security Act and from other third party sources as
25 reimbursement for services. All collections pertaining to
26 reimbursement for services received by the Department after
27 the effective date of this act, excluding per diem medicaid

1 reimbursement for state schools, for services provided prior
2 to September 1, 1989 are hereby appropriated for the fiscal
3 biennium ending August 31, 1991, as follows:

4 a. To the Department to offset the cost of collections.

5 b. To [Fifty-percent-of-all-remaining--collections--shall--be
6 appropriated-to] the department for expansion of community
7 services, compliance with existing settlement agreements,
8 and improvements in the quality of care for individuals
9 served by the department. [The-remaining-fifty-percent
10 shall-be-deposited-to-the-General-Revenue-Fund.]

11 (e) Rider 26., page II-64, General Appropriations Act, is
12 amended to read as follows:

13 26. REVENUE COLLECTIONS. The Texas Department of Mental Health
14 and Mental Retardation is appropriated, for the fiscal
15 biennium ending August 31, 1991, [50--percent--of] all
16 collections under Title XVIII and Title XIX of the Social
17 Security Act and other third party collections, excluding per
18 diem Medicaid reimbursement for state schools, that are in
19 excess of the amounts collected for services rendered in
20 fiscal year 1989, excluding per diem Medicaid reimbursement
21 for state schools. It is the intent of the Legislature that
22 50 percent of these funds be allocated to state facilities
23 based on each facility's pro rata share of the increased
24 collections. The remaining 50 percent of these collections
25 shall be used by the department for compliance with existing
26 settlement agreements, improvements in the quality of care for
27 individuals served by the department, or expansion of

1 community services [~~deposited--in-the-General-Revenue-Fund~~].

2 The total amount of collections appropriated to the department
3 may not exceed \$5 million in either year of the biennium. The
4 department shall provide an annual report to the Legislative
5 Budget Board and the Governor's Office of Budget and Planning
6 on revenues and expenditures as a result of this rider
7 provision.

8 (f) Rider 37., page II-66, General Appropriations Act, is
9 amended to read as follows:

10 37. AFTERCARE CONTINGENCY APPROPRIATION. In addition to funds
11 appropriated above and contingent upon TDMHMR's submission of
12 a plan to the Legislative Budget Board and the Governor for
13 meeting compliance criteria for aftercare in the RAJ case,
14 once those criteria have been clearly established, [~~and~~
15 ~~contingent--upon-the-LBB's-approval-of-that-plan,~~] \$10 million
16 from the General Revenue Fund is hereby appropriated to
17 TDMHMR, for the fiscal biennium ending August 31, 1991, for
18 providing aftercare services to persons discharged from state
19 mental hospitals.

20 (g) Rider 8., page II-60, General Appropriations Act, is
21 amended to read as follows:

22 8. UNOBLIGATED CONSTRUCTION BALANCES. Any unobligated balances
23 as of August 31, 1989, in appropriations made [~~by~~] for
24 Construction by Senate Bill No. 1, Acts of the Seventieth
25 Legislature, Second Called Session, 1987, or previous acts,
26 are hereby reappropriated for the identical purposes and
27 subject to the same restrictions for the biennium beginning

1 with the effective date [data] of this Act, except that
2 Legislative Budget Board approval of specific community-based
3 facility projects for persons who have mental retardation and
4 are difficult to place is not required and Section 128,
5 Article V, of this Act does not apply to those projects. Any
6 balances remaining in excess of the requirements of such
7 identical purposes may be allocated by the board for the
8 purpose of emergency repairs and maintenance and life safety
9 code alterations.

10 SECTION 4.02. DEPARTMENT OF HEALTH. (a) In addition to
11 amounts previously appropriated for the biennium ending August 31,
12 1991, the sum of \$10.9 million is appropriated for the fiscal year
13 ending August 31, 1990, from the general revenue fund to the Texas
14 Department of Health for the chronically ill and disabled
15 children's services program. The unobligated and unexpended
16 balance of that appropriation is reappropriated, and the additional
17 sum of _____ is appropriated from the general revenue fund, for
18 the fiscal year ending August 31, 1991, to the department for the
19 same purpose.

20 (b) In order to maximize the use of federal Medicaid funds,
21 the Texas Department of Health shall, to the greatest extent
22 possible, coordinate the claims payment process for the chronically
23 ill and disabled children's services program with the Medicaid
24 payment process used by the Texas Department of Human Services.

25 (c) Before implementing substantive changes in eligibility
26 determination or case management activities under the chronically
27 ill and disabled children's services program, the Texas Department

1 of Health shall submit the proposed changes to the Maternal and
2 Child Health Advisory Committee for review and recommendation to
3 the Texas Board of Health.

4 (d) Beginning in the fiscal year ending August 31, 1991, the
5 Texas Department of Health may restore the income eligibility level
6 for chronically ill and disabled children's services to the level
7 used in the fiscal year ending August 31, 1989 (200 percent of the
8 federal poverty level), only if funds are available for that
9 purpose within the department's budget.

10 (e) The department shall submit a monthly report to the
11 Governor's Office of Budget and Planning and the Legislative Budget
12 Office that provides actual and projected expenditures for
13 chronically ill and disabled children's services. The two budget
14 offices shall prescribe the form for reports required by this
15 subsection.

16 (f) Before expending any amounts appropriated by this
17 section for the fiscal year ending August 31, 1991, the Texas
18 Department of Health shall submit to the governor and the
19 Legislative Budget Board an expenditure plan that projects client
20 services costs and other program costs. During the 30-day period
21 after the date of submission of the plan, the department may not
22 expend any of the appropriations, and the governor or the
23 Legislative Budget Board may disapprove the expenditure of any or
24 all of the amounts. If the department does not receive, within the
25 30-day period, notice from the governor or the Legislative Budget
26 Board that the expenditure plan has been disapproved, the
27 department may expend the appropriations.

1 (g) Rider 18., page II-21, General Appropriations Act, is
2 repealed.

3 SECTION 4.03. TEXAS DEPARTMENT OF HUMAN SERVICES. (a) In
4 addition to amounts previously appropriated for the biennium ending
5 August 31, 1991, the sum of \$19,799,719 is appropriated, for the
6 fiscal year ending August 31, 1990, and the sum of _____ is
7 appropriated, for the fiscal year ending August 31, 1991, from the
8 general revenue fund to the Texas Department of Human Services for
9 the purposes of maintaining service levels established by the 71st
10 Legislature, Regular Session, 1989, and of complying with federal
11 requirements enacted since that regular legislative session.

12 (b) In addition to amounts previously appropriated for the
13 biennium ending August 31, 1991, the sum of \$3.5 million is
14 appropriated, for that biennium, from the oil overcharge account in
15 the general revenue fund to the Texas Department of Human Services
16 for the purpose of assisting low-income individuals with utility
17 and transportation expenses.

18 (c) The Texas Department of Human Services may transfer
19 appropriations from one item of appropriation to another for
20 purposes of maintaining service levels established by the General
21 Appropriations Act or of complying with federal requirements upon
22 the approval of the Legislative Budget Board. Any transfer made
23 under authority of this subsection must comply with the procedures
24 provided by Rider 37.a., page II-47, General Appropriations Act.

25 (d) Riders 4. and 5., page II-39, General Appropriations
26 Act, are amended to read as follows:

1 4. AFDC PAYMENTS AND UNEXPENDED BALANCES. Funds appropriated for
2 payments for Aid to Families with Dependent Children shall be
3 payable in equal monthly installments on the first day of each
4 calendar month in fiscal year 1990. Before July 15, 1990, the
5 Department of Human Services shall give the Comptroller of
6 Public Accounts and the State Treasurer a statement of
7 estimated cash flow requirements for Children's Assistance
8 funds appropriated for fiscal year 1991. Children's
9 Assistance funds appropriated for fiscal year 1991 are payable
10 according to the statement of estimated cash flow
11 requirements. Any[~~7--provided,--however,--that--any~~] balances on
12 hand in these funds may be carried over from month to month
13 during each fiscal year and from fiscal year 1990 to fiscal
14 year 1991 and such funds are reappropriated to the department
15 for the 1990-1991 biennium.

16 5. MEDICAL ASSISTANCE PAYMENTS AND UNEXPENDED BALANCES. Funds
17 appropriated hereinabove out of Medical Assistance funds for
18 all medical programs shall be payable in equal monthly
19 installments on the first day of each calendar month in fiscal
20 year 1990. Before July 15, 1990, the Department of Human
21 Services shall give the Comptroller of Public Accounts and the
22 State Treasurer a statement of estimated cash flow
23 requirements for Medical Assistance funds appropriated for
24 fiscal year 1991. Medical Assistance funds appropriated for
25 fiscal year 1991 are payable according to the statement of
26 estimated cash flow requirements. Any[~~7--provided,--however,~~
27 that--any] balances on hand in such funds may be carried over

1 from month to month during each fiscal year and from fiscal
2 year 1990 to fiscal year 1991, and such funds are
3 reappropriated to the department for the 1990-1991 biennium.

4 (e) The Texas Department of Human Services shall, not later
5 than September 1, 1990, submit a report on the department's
6 remaining budget shortfall projected for the fiscal year ending
7 August 31, 1991, to the governor and the Legislative Budget Board
8 in a format prescribed by the Legislative Budget Office. The
9 report shall include information on any transfers made between
10 programs or activities for the fiscal year ending August 31, 1991,
11 cost-containment procedures undertaken by the department, and
12 efforts to pursue federal or third-party funding.

13 (f) In addition to the authority otherwise provided by this
14 section, the Texas Department of Human Services, with the prior
15 approval of the governor and Legislative Budget Board, may transfer
16 an amount not to exceed \$5 million from fiscal year 1991
17 appropriations for purchased health services to 1990 appropriations
18 for purchased health services to maintain current levels of
19 service.

20 SECTION 4.04. APPROPRIATION OF STATE LEGALIZATION IMPACT
21 ASSISTANCE GRANTS. Section 102, Article V, General Appropriations
22 Act, is amended to read as follows:

23 Sec. 102. STATE LEGALIZATION IMPACT ASSISTANCE GRANTS.

24 1. Federal State Legalization Impact Assistance Grant (SLIAG)
25 funds received by state agencies as reimbursement in fiscal
26 year 1990 and fiscal year 1991 for SLIAG-related
27 administrative costs, costs of providing language and

1 citizenship classes, or costs incurred by local units of
2 government in providing services to eligible legalized aliens
3 are hereby appropriated for the purpose of augmenting existing
4 state appropriations or reimbursing local units of government.
5 Otherwise, federal SLIAG funds received by state agencies in
6 fiscal year 1990 and fiscal year 1991 as reimbursement for
7 costs incurred in providing services to eligible legalized
8 aliens paid for out of existing program appropriations shall
9 be deposited to the General Revenue Fund, with the following
10 exceptions:

11 a. SLIAG funds received by the Department of Health in excess
12 of those appropriated to the department by Article II of
13 this Act are appropriated to the department for the
14 biennium for chronically ill and disabled children's
15 services;

16 b. SLIAG funds received by the Department of Mental Health
17 and Mental Retardation are appropriated to the department
18 for the biennium for compliance with existing settlement
19 agreements, improvements in the quality of care for
20 individuals served by the department, and expansion of
21 community services; and

22 c. SLIAG funds received by the Department of Human Services
23 are appropriated to the department for the biennium for
24 AFDC-related premiums for the purchased health services
25 program.

26 2. Agencies receiving State Legalization Impact Assistance Grant
27 (SLIAG) funds during fiscal year 1990 and 1991 shall submit a

1 report at the end of each fiscal year to the Legislative
2 Budget Office, the Governor's Office of Budget and Planning,
3 and the Health and Human Services Coordinating Council
4 detailing the actual amount of SLIAG funds received and the
5 purposes for which the funds were expended.

6 SECTION 4.05. STATE PURCHASING AND GENERAL SERVICES
7 COMMISSION. Rider 41., page I-253, General Appropriations Act, is
8 amended to read as follows:

9 41. CONTINGENCY FOR SENATE BILL NO. 1480. Contingent upon
10 enactment of Senate Bill No. 1480, Acts of the Seventy-first
11 Legislature, Regular Session, or other similar legislation,
12 \$400,000 for fiscal year 1990 from the Capital Trust Fund No.
13 543 is hereby appropriated for the purpose of implementing the
14 provisions of the Act. The unobligated and unexpended balance
15 of that appropriation is reappropriated for fiscal year 1991
16 to the State Purchasing and General Services Commission for
17 the same purpose.

18 SECTION 4.06. COMPTROLLER OF PUBLIC ACCOUNTS--INDIGENT
19 DEFENSE CLAIMS. The appropriation to the comptroller of public
20 accounts for purposes of Section 403.074, Government Code, made by
21 the General Appropriations Act, page I-78, may also be used for the
22 purpose of paying costs incurred under Article 26.055, Code of
23 Criminal Procedure, for eligible expenses related to outside legal
24 counsel appointed to defend an indigent inmate on whose behalf the
25 appointment occurred before September 1, 1989. The statutory limit
26 on payment of miscellaneous claims imposed by Section 403.074,
27 Government Code, does not apply to the payments authorized by this

1 section.

2 ARTICLE V. MISCELLANEOUS PROVISION

3 SECTION 5.01. EMERGENCY. The importance of this legislation
4 and the crowded condition of the calendars in both houses create an
5 emergency and an imperative public necessity that the
6 constitutional rule requiring bills to be read on three several
7 days in each house be suspended, and this rule is hereby suspended,
8 and that this Act take effect and be in force from and after its
9 passage, and it is so enacted.

By: Brooks, Caperton S.B. No. 11
(In the Senate - Filed June 4, 1990; June 4, 1990, read first
time and referred to Committee on Finance; June 5, 1990, reported
adversely, with favorable Committee Substitute by the following
vote: Yeas 11, Nays 0; June 5, 1990, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Caperton	x			
Glasgow				x
Barrientos	x			
Brooks	x			
Harris	x			
Johnson	x			
Krier	x			
McFarland	x			
Montford	x			
Parker	x			
Santiesteban				x
Sims	x			
Truan	x			

COMMITTEE SUBSTITUTE FOR S.B. No. 11

By: Caperton, Brooks

A BILL TO BE ENTITLED
AN ACT

relating to appropriations for the biennium ending August 31, 1991.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE I. GENERAL PROVISION

SECTION 1.01. DEFINITION. In this Act, "General Appropriations Act" means Chapter 1263, Acts of the 71st Legislature, Regular Session, 1989.

ARTICLE II. REDUCTIONS IN APPROPRIATIONS

SECTION 2.01. BOND DEBT SERVICE. (a) The amount appropriated to the National Research Laboratory Commission by Item 4., page III-53, General Appropriations Act, for bond debt service is reduced by \$9.8 million for the fiscal biennium ending August 31, 1991.

(b) The amount appropriated to the Texas Public Finance Authority by Item 4., page I-124, General Appropriations Act, for bond debt service is reduced by \$10.2 million for the fiscal biennium ending August 31, 1991.

(c) The amount appropriated to the Texas Public Finance Authority by Item 5., page I-124, General Appropriations Act, for bond debt service is reduced by \$1.4 million for the fiscal biennium ending August 31, 1991.

SECTION 2.02. STATE CONTRIBUTIONS TO GROUP INSURANCE. The amount appropriated to the Employees Retirement System of Texas by Item 2., page I-109, General Appropriations Act, for state contributions to state employees uniform group insurance coverages for the fiscal year ending August 31, 1991, is reduced by \$11.7 million. Rider 6., page I-113, General Appropriations Act, continues to apply to determine the rate of contribution for each full-time active or retired employee.

SECTION 2.03. PRISON OPERATION. The total amount appropriated to the Department of Corrections (Texas Department of Criminal Justice) by Item 9., page I-83, General Appropriations Act, for operation of additional capacity is reduced by \$9.7 million for the fiscal biennium ending August 31, 1991. The Texas Board of Criminal Justice shall determine and certify to the comptroller of public accounts the source or sources of the reduction from among the subitems in Item 9.

SECTION 2.04. GOVERNOR. The total amount appropriated to the Office of the Governor on page I-138, General Appropriations Act, from the General Revenue Fund for the fiscal biennium ending August 31, 1991, is reduced by \$1 million. The governor shall determine and certify to the comptroller of public accounts the source or sources of the reduction from among the General Revenue

1 Fund appropriations.

2 SECTION 2.05. LEGISLATURE. (a) The amount appropriated to
3 the senate by Rider 1., page VI-1, General Appropriations Act, for
4 the fiscal biennium ending August 31, 1991, is reduced by \$500,000.

5 (b) The amount appropriated to the house of representatives
6 by Rider 2., page VI-2, General Appropriations Act, for the fiscal
7 biennium ending August 31, 1991, is reduced by \$1 million.

8 (c) The amount appropriated to the Legislative Budget Board
9 by Rider 6.a., page VI-3, General Appropriations Act, for the
10 fiscal biennium ending August 31, 1991, is reduced by \$500,000.

11 (d) The amount appropriated to the Sunset Advisory
12 Commission by Rider 8.b., page VI-4, General Appropriations Act,
13 for the fiscal biennium ending August 31, 1991, is reduced by
14 \$100,000.

15 (e) The amount appropriated to the Legislative Council by
16 Rider 1., page VI-6, General Appropriations Act, for the purposes
17 for which money is appropriated by Item 1., page VI-5 of that Act,
18 for the fiscal biennium ending August 31, 1991, is reduced by
19 \$500,000.

20 (f) The amount appropriated to the State Auditor's Office by
21 Rider 4., page VI-8, General Appropriations Act, for the fiscal
22 biennium ending August 31, 1991, is reduced by \$500,000.

23 SECTION 2.06. UNIFORM STATEWIDE ACCOUNTING SYSTEM. The
24 amount appropriated to the comptroller of public accounts for
25 allocation to state agencies for implementation of the Uniform
26 Statewide Accounting System on page I-74, General Appropriations
27 Act, is reduced by \$8 million for the fiscal biennium ending
28 August 31, 1991.

29 SECTION 2.07. ADULT PROBATION COMMISSION. (a) The amount
30 allocated to the Adult Probation Commission by Rider 1., Item 1.,
31 page I-234, General Appropriations Act, for capital outlay is
32 reduced by \$3.2 million for the fiscal biennium ending August 31,
33 1991.

34 (b) The amount appropriated by Item 2., page VII-1, General
35 Appropriations Act, for acquisition of computer equipment and
36 software is reduced by \$3.2 million for the fiscal year ending
37 August 31, 1990.

38 SECTION 2.08. SOURCE OF REDUCTIONS. Any reductions in
39 appropriations provided for in this article are from amounts
40 previously appropriated from the General Revenue Fund unless
41 otherwise specified.

42 ARTICLE III. APPROPRIATIONS 43 TO CENTRAL EDUCATION AGENCY

44 SECTION 3.01. BUDGET REDUCTIONS. In addition to amounts
45 previously appropriated for the biennium ending August 31, 1991,
46 all amounts resulting from the reductions in appropriations from
47 the General Revenue Fund provided for in Article II of this Act,
48 estimated to be \$58.1 million, are hereby appropriated to the
49 Central Education Agency for the biennium ending August 31, 1991,
50 for purposes of distribution under the Foundation School Program.

51 SECTION 3.02. ECONOMIC STABILIZATION FUND. In addition to
52 amounts previously appropriated for the biennium ending August 31,
53 1991, all amounts in the economic stabilization fund during the
54 biennium are appropriated for that period to the Central Education
55 Agency for purposes of distribution under the Foundation School
56 Program.

57 SECTION 3.03. GENERAL REVENUE APPROPRIATION. (a) In
58 addition to sums appropriated under Chapters 1263 and 816, Acts of
59 the 71st Legislature, Regular Session, 1989, to the Central
60 Education Agency for the Foundation School Program, the sum of
61 \$517,920,000 is appropriated to the agency for the fiscal year
62 ending August 31, 1991, from the General Revenue Fund, including
63 any transfers to the foundation school fund, for allocation under
64 the Foundation School Program. Of that amount, \$456,629,020 is a
65 sum certain under Subsection (d), Section 16.254, Education Code,
66 and \$61,290,980 is for purposes of Section 1.21, S.B. 1, Acts of
67 the 71st Legislature, 6th Called Session, 1990. If the amount
68 designated for purposes of Section 1.21, S.B. 1, is insufficient
69 for the purposes of that section, the commissioner of education
70 shall proportionately reduce the amount to which each district is

entitled under that section.

(b) The appropriation made by this section is reduced by any amounts appropriated for that purpose by Sections 3.01 and 3.02 of this article.

SECTION 3.04. PUBLIC EDUCATION DEVELOPMENT FUND. For the fiscal year ending August 31, 1991, the sum of \$5 million is transferred from the General Revenue Fund to the public education development fund created under Section 11.271, Education Code, as added by S.B. 1, Acts of the 71st Legislature, 6th Called Session, 1990, and all balances accruing to that fund are appropriated to the Central Education Agency for the purposes of that fund.

SECTION 3.05. FACILITIES INVENTORY. For the fiscal year ending August 31, 1990, the sum of \$5 million is appropriated from the General Revenue Fund to the Central Education Agency for the purpose of the facilities inventory under Section 16.401, Education Code, and the unexpended balance is appropriated to the agency for the same purpose for the fiscal year ending August 31, 1991.

SECTION 3.06. PROFESSIONAL DEVELOPMENT PROGRAMS. For the fiscal year ending August 31, 1991, the sum of \$80,000 is appropriated from the General Revenue Fund to the Central Education Agency for the purpose of funding programs referred to in Subsection (e), Section 13.353, Education Code, as added by S.B. 1, Acts of the 71st Legislature, 6th Called Session, 1990.

SECTION 3.07. GENERAL COUNSEL SALARY. In addition to the salary specified by the General Appropriations Act for the exempt position of general counsel of the Central Education Agency, the agency may pay the general counsel up to 10 percent more than the specified salary if the general counsel is certified in a specialty area by the State Bar of Texas that the commissioner of education determines is directly related to the employment duties of the general counsel. The agency shall report any payment under this section to the Legislative Budget Board at the end of each fiscal year in the biennium.

ARTICLE IV. APPROPRIATIONS TO OTHER AGENCIES

SECTION 4.01. TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION. (a) In addition to amounts previously appropriated for the biennium ending August 31, 1991, the sum of \$13 million is appropriated, for the fiscal year ending August 31, 1991, from the General Revenue Fund to the Texas Department of Mental Health and Mental Retardation for the purpose of complying with the settlement agreements in the RAJ and Lelsz cases, with the intent that it be spent during the first six months of that fiscal year. The Texas Department of Mental Health and Mental Retardation shall seek an emergency appropriation during the regular session of the 72nd Legislature for the purpose of maintaining compliance with court orders and service levels established by this Act and the General Appropriations Act.

(b) In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$6.1 million is appropriated to the Texas Department of Mental Health and Mental Retardation from the proceeds of the issuance of bonds previously authorized by the approval of the voters of S.J.R. No. 24, Acts of the 71st Legislature, Regular Session, 1989, for the two-year period beginning on the date the proceeds become available. The funds are to be used for the conversion of open-bay dormitories in state schools as required to meet federal Intermediate Care Facility for Persons with Mental Retardation (ICF-MR) standards and for other court-related construction, repair, and renovation projects in state facilities.

(c) Notwithstanding any provision of the General Appropriations Act, the Texas Department of Mental Health and Mental Retardation may transfer, from amounts previously appropriated by Article VII of the General Appropriations Act and allocated by Rider 1., page II-58, of that Act to the department for capital outlay, not more than \$4 million to any other item of appropriation, for the purpose of complying with the RAJ and Lelsz settlement agreements. The unobligated and unexpended balance of any amount transferred under this subsection during fiscal year 1990 is reappropriated to the department for fiscal year 1991 for

the same purpose for which the amount is transferred.

(d) Rider 10., page II-61, General Appropriations Act, is amended to read as follows:

10. FEDERAL COLLECTIONS. The Department of Mental Health and Mental Retardation shall implement procedures for maximizing collections under Title XVIII and Title XIX of the Social Security Act and from other third party sources as reimbursement for services. All collections pertaining to reimbursement for services received by the Department after the effective date of this act, excluding per diem medicaid reimbursement for state schools, for services provided prior to September 1, 1989 are hereby appropriated for the fiscal biennium ending August 31, 1991, as follows:

a. To the Department to offset the cost of collections.

b. ~~To [Fifty-percent-of-all-remaining--collections--shall--be appropriated-to]~~ the department for expansion of community services, compliance with existing settlement agreements, and improvements in the quality of care for individuals served by the department. [The-remaining-fifty-percent shall-be-deposited-to-the-General-Revenue-Fund-]

(e) Rider 26., page II-64, General Appropriations Act, is amended to read as follows:

26. REVENUE COLLECTIONS. The Texas Department of Mental Health and Mental Retardation is appropriated, for the fiscal biennium ending August 31, 1991, [50--percent--of] all collections under Title XVIII and Title XIX of the Social Security Act and other third party collections, excluding per diem Medicaid reimbursement for state schools, that are in excess of the amounts collected for services rendered in fiscal year 1989, excluding per diem Medicaid reimbursement for state schools. It is the intent of the Legislature that 50 percent of these funds be allocated to state facilities based on each facility's pro rata share of the increased collections. The remaining 50 percent of these collections shall be used by the department for compliance with existing settlement agreements, improvements in the quality of care for individuals served by the department, or expansion of community services [deposited--in-the-General-Revenue-Fund]. The total amount of collections appropriated to the department may not exceed \$5 million in either year of the biennium. The department shall provide an annual report to the Legislative Budget Board and the Governor's Office of Budget and Planning on revenues and expenditures as a result of this rider provision.

(f) Rider 37., page II-66, General Appropriations Act, is amended to read as follows:

37. AFTERCARE CONTINGENCY APPROPRIATION. In addition to funds appropriated above and contingent upon TDMHMR's submission of a plan to the Legislative Budget Board and the Governor for meeting compliance criteria for aftercare in the RAJ case, once those criteria have been clearly established, ~~[and contingent--upon-the-EBB's-approval-of-that-plan,]~~ \$10 million from the General Revenue Fund is hereby appropriated to TDMHMR, for the fiscal biennium ending August 31, 1991, for providing aftercare services to persons discharged from state mental hospitals.

(g) Rider 8., page II-60, General Appropriations Act, is amended to read as follows:

8. UNOBLIGATED CONSTRUCTION BALANCES. Any unobligated balances as of August 31, 1989, in appropriations made ~~[by]~~ for Construction by Senate Bill No. 1, Acts of the Seventieth Legislature, Second Called Session, 1987, or previous acts, are hereby reappropriated for the identical purposes and subject to the same restrictions for the biennium beginning with the effective date ~~[data]~~ of this Act, except that Legislative Budget Board approval of specific community-based facility projects for persons who have mental retardation and are difficult to place is not required and Section 128, Article V, of this Act does not apply to those projects. Any balances remaining in excess of the requirements of such

1 identical purposes may be allocated by the board for the
2 purpose of emergency repairs and maintenance and life safety
3 code alterations.

4 (h) Before expending any amounts appropriated by this
5 section for the fiscal year ending August 31, 1991, the Texas
6 Department of Mental Health and Mental Retardation shall submit to
7 the governor and the Legislative Budget Board an expenditure plan
8 that projects client services costs and other program costs.
9 During the 30-day period after the date of submission of the plan,
10 the department may not expend any of the appropriations, and the
11 governor or the Legislative Budget Board may disapprove the
12 expenditure of any or all of the amounts. If the department does
13 not receive, within the 30-day period, notice from the governor or
14 the Legislative Budget Board that the expenditure plan has been
15 disapproved, the department may expend the appropriations.

16 SECTION 4.02. TEXAS DEPARTMENT OF HEALTH. (a) In addition
17 to amounts previously appropriated for the biennium ending August
18 31, 1991, the sum of \$10.9 million is appropriated for the fiscal
19 year ending August 31, 1990, from the General Revenue Fund to the
20 Texas Department of Health for the chronically ill and disabled
21 children's services program. The unobligated and unexpended
22 balance of that appropriation is reappropriated, and the additional
23 sum of \$13 million is appropriated from the General Revenue Fund,
24 for the fiscal year ending August 31, 1991, to the department for
25 the same purpose.

26 (b) In order to maximize the use of federal Medicaid funds,
27 the Texas Department of Health shall, to the greatest extent
28 possible, coordinate the claims payment process for the chronically
29 ill and disabled children's services program with the Medicaid
30 payment process used by the Texas Department of Human Services.

31 (c) Before implementing substantive changes in eligibility
32 determination or case management activities under the chronically
33 ill and disabled children's services program, the Texas Department
34 of Health shall submit the proposed changes to the Maternal and
35 Child Health Advisory Committee for review and recommendation to
36 the Texas Board of Health.

37 (d) Beginning in the fiscal year ending August 31, 1991, the
38 Texas Department of Health may restore the income eligibility level
39 for chronically ill and disabled children's services to the level
40 used in the fiscal year ending August 31, 1989 (200 percent of the
41 federal poverty level), only if funds are available for that
42 purpose within the department's budget.

43 (e) The department shall submit a monthly report to the
44 Governor's Office of Budget and Planning and the Legislative Budget
45 Office that provides actual and projected expenditures for
46 chronically ill and disabled children's services. The two budget
47 offices shall prescribe the form for reports required by this
48 subsection.

49 (f) Before expending any amounts appropriated by this
50 section for the fiscal year ending August 31, 1991, the Texas
51 Department of Health shall submit to the governor and the
52 Legislative Budget Board an expenditure plan that projects client
53 services costs and other program costs. During the 30-day period
54 after the date of submission of the plan, the department may not
55 expend any of the appropriations, and the governor or the
56 Legislative Budget Board may disapprove the expenditure of any or
57 all of the amounts. If the department does not receive, within the
58 30-day period, notice from the governor or the Legislative Budget
59 Board that the expenditure plan has been disapproved, the
60 department may expend the appropriations.

61 (g) The unobligated and unexpended balances of all
62 appropriations made by the General Appropriations Act to the Texas
63 Department of Health for the fiscal year ending August 31, 1990,
64 that were not otherwise reappropriated by that Act are
65 reappropriated to the department for the fiscal year ending August
66 31, 1991, for the chronically ill and disabled children's and the
67 maternal and child health programs. Before expending any amounts
68 reappropriated by this subsection, the department shall submit a
69 report to the Governor's Office of Budget and Planning and the
70 Legislative Budget Office that provides projected expenditures of

the reappropriated amounts for the two programs. The two budget offices shall prescribe the form for the report required by this subsection.

(h) The legislature intends that the Texas Department of Health expend the appropriations made by this Act and the General Appropriations Act in a manner that maintains the levels of service for which funds are appropriated by this Act and were originally appropriated by the General Appropriations Act. The legislature further intends to appropriate, during the regular session of the 72nd Legislature, additional needed amounts to enable the department to achieve this purpose.

(i) Rider 18., page II-21, General Appropriations Act, is repealed.

SECTION 4.03. TEXAS DEPARTMENT OF HUMAN SERVICES. (a) In addition to amounts previously appropriated for the biennium ending August 31, 1991, the sum of \$14.4 million is appropriated, for the fiscal year ending August 31, 1990, and the sum of \$45.24 million is appropriated, for the fiscal year ending August 31, 1991, from the General Revenue Fund to the Texas Department of Human Services for the purposes of maintaining service levels established by the 71st Legislature, Regular Session, 1989, and of complying with federal requirements enacted since that regular legislative session.

(b) In addition to amounts previously appropriated for the biennium ending August 31, 1991, the sum of \$3.5 million is appropriated, for that biennium, from the oil overcharge account in the General Revenue Fund to the Texas Department of Human Services for the purpose of assisting low-income individuals with utility and transportation expenses.

(c) The Texas Department of Human Services may transfer appropriations from one item of appropriation to another for purposes of maintaining service levels established by the General Appropriations Act or of complying with federal requirements upon the approval of the Legislative Budget Board. Any transfer made under authority of this subsection must comply with the procedures provided by Rider 37.a., page II-47, General Appropriations Act.

(d) Riders 4. and 5., page II-39, General Appropriations Act, are amended to read as follows:

4. AFDC PAYMENTS AND UNEXPENDED BALANCES. Funds appropriated for payments for Aid to Families with Dependent Children shall be payable in equal monthly installments on the first day of each calendar month in fiscal year 1990. Before July 15, 1990, the Department of Human Services shall give the Comptroller of Public Accounts and the State Treasurer a statement of estimated cash flow requirements for Children's Assistance funds appropriated for fiscal year 1991. Children's Assistance funds appropriated for fiscal year 1991 are payable according to the statement of estimated cash flow requirements. Any[~~;-provided;-however;-that-any~~] balances on hand in these funds may be carried over from month to month during each fiscal year and from fiscal year 1990 to fiscal year 1991 and such funds are reappropriated to the department for the 1990-1991 biennium.

5. MEDICAL ASSISTANCE PAYMENTS AND UNEXPENDED BALANCES. Funds appropriated hereinabove out of Medical Assistance funds for all medical programs shall be payable in equal monthly installments on the first day of each calendar month in fiscal year 1990. Before July 15, 1990, the Department of Human Services shall give the Comptroller of Public Accounts and the State Treasurer a statement of estimated cash flow requirements for Medical Assistance funds appropriated for fiscal year 1991. Medical Assistance funds appropriated for fiscal year 1991 are payable according to the statement of estimated cash flow requirements. Any[~~;-provided;-however;-that--any~~] balances on hand in such funds may be carried over from month to month during each fiscal year and from fiscal year 1990 to fiscal year 1991, and such funds are reappropriated to the department for the 1990-1991 biennium.

(e) The Texas Department of Human Services shall, not later than September 1, 1990, submit a report on the department's

remaining budget shortfall projected for the fiscal year ending August 31, 1991, to the governor and the Legislative Budget Board in a format prescribed by the Legislative Budget Office. The report shall include information on any transfers made between programs or activities for the fiscal year ending August 31, 1991, cost-containment procedures undertaken by the department, and efforts to pursue federal or third-party funding.

(f) In addition to the authority otherwise provided by this section, the Texas Department of Human Services, with the prior approval of the governor and Legislative Budget Board, may transfer an amount not to exceed \$16 million from fiscal year 1991 appropriations for purchased health services to 1990 appropriations for purchased health services to maintain current levels of service.

(g) The legislature intends that the Texas Department of Human Services expend the appropriations made by this Act and the General Appropriations Act in a manner that maintains the levels of service for which funds are appropriated by this Act and were originally appropriated by the General Appropriations Act. The legislature further intends to appropriate, during the regular session of the 72nd Legislature, additional needed amounts to enable the department to achieve this purpose.

SECTION 4.04. APPROPRIATION OF STATE LEGALIZATION IMPACT ASSISTANCE GRANTS. Section 102., Article V, pages V-86, 87, General Appropriations Act, is amended to read as follows:

Sec. 102. STATE LEGALIZATION IMPACT ASSISTANCE GRANTS.

1. Federal State Legalization Impact Assistance Grant (SLIAG) funds received by state agencies as reimbursement in fiscal year 1990 and fiscal year 1991 for SLIAG-related administrative costs, costs of providing language and citizenship classes, or costs incurred by local units of government in providing services to eligible legalized aliens are hereby appropriated for the purpose of augmenting existing state appropriations or reimbursing local units of government. Otherwise, federal SLIAG funds received by state agencies in fiscal year 1990 and fiscal year 1991 as reimbursement for costs incurred in providing services to eligible legalized aliens paid for out of existing program appropriations shall be deposited to the General Revenue Fund, with the following exceptions:

a. SLIAG funds received by the Department of Health in excess of those appropriated to the department by Article II of this Act are appropriated to the department for the biennium for chronically ill and disabled children's services;

b. SLIAG funds received by the Department of Mental Health and Mental Retardation are appropriated to the department for the biennium for compliance with existing settlement agreements, improvements in the quality of care for individuals served by the department, and expansion of community services; and

c. SLIAG funds received by the Department of Human Services are appropriated to the department for the biennium for AFDC-related premiums for the purchased health services program.

2. Agencies receiving State Legalization Impact Assistance Grant (SLIAG) funds during fiscal year 1990 and 1991 shall submit a report at the end of each fiscal year to the Legislative Budget Office, the Governor's Office of Budget and Planning, and the Health and Human Services Coordinating Council detailing the actual amount of SLIAG funds received and the purposes for which the funds were expended.

SECTION 4.05. STATE PURCHASING AND GENERAL SERVICES COMMISSION. Rider 41., page I-253, General Appropriations Act, is amended to read as follows:

41. CONTINGENCY FOR SENATE BILL NO. 1480. Contingent upon enactment of Senate Bill No. 1480, Acts of the Seventy-first Legislature, Regular Session, or other similar legislation, \$400,000 for fiscal year 1990 from the Capital Trust Fund No. 543 is hereby appropriated for the purpose of implementing the

provisions of the Act. The unobligated and unexpended balance of that appropriation is reappropriated for fiscal year 1991 to the State Purchasing and General Services Commission for the same purpose.

SECTION 4.06. BOND REVIEW BOARD. The unobligated and unexpended balances of all appropriations made by the General Appropriations Act to the bond review board for the fiscal year ending August 31, 1990, are reappropriated to the board for the fiscal year ending August 31, 1991, for the purposes for which the appropriations were made by the General Appropriations Act.

SECTION 4.07. STATE BOARD OF INSURANCE. The appropriations made by Section 17.15, Chapter 1, Acts of the 71st Legislature, 2nd Called Session, 1989, to the State Board of Insurance for the fiscal year ending August 31, 1990, take effect immediately. The unobligated and unexpended balances of those appropriations are reappropriated to the board for the fiscal year ending August 31, 1991, for the same purposes for which they were appropriated by Chapter 1, Acts of the 71st Legislature, 2nd Called Session, 1989.

ARTICLE V. MISCELLANEOUS PROVISION

SECTION 5.01. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

* * * * *

Austin, Texas
June 5, 1990

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Finance to which was referred S.B. No. 11, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

Caperton, Chairman

SENATE FAVORABLY AS SUBSTITUTED COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

6-5-90
(date)/(time)

Sir:

We, your Committee on FINANCE to which was referred
SB 11 by Brooks/Caperton have on 6-4, 19 90, had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

- ☒ do pass as substituted, and be printed
☒ the caption remained the same as original measure
☐ the caption changed with adoption of the substitute

☐ do pass as substituted, and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

Senate Sponsor of House Measure _____

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Barrientos	<input checked="" type="checkbox"/>			
Brooks	<input checked="" type="checkbox"/>			
Glasgow				<input checked="" type="checkbox"/>
Harris	<input checked="" type="checkbox"/>			
Johnson	<input checked="" type="checkbox"/>			
Krier	<input checked="" type="checkbox"/>			
McFarland	<input checked="" type="checkbox"/>			
Montford	<input checked="" type="checkbox"/>			
Parker	<input checked="" type="checkbox"/>			
Santiesteban				<input checked="" type="checkbox"/>
Sims	<input checked="" type="checkbox"/>			
Truan	<input checked="" type="checkbox"/>			
Caperton, Chair	<input checked="" type="checkbox"/>			
TOTAL VOTES	11			2

Pamela A. Crail
COMMITTEE CLERK

Ken Caperton
CHAIRMAN

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

June 4, 1990

TO: Honorable Kent A. Caperton, Chairman IN RE: Committee Substitute for
Committee on Finance Senate Bill No. 11,
Senate Chamber Sixth Called Session
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 11, Sixth Called Session (relating to appropriations for the biennium ending August 31, 1991) this office has determined the following:

The bill would appropriate a total of \$528,000,000 to the Central Education Agency. Of the amount appropriated to the Central Education Agency, an amount estimated to be \$42,440,000 would result from the appropriation of all amounts in the Economic Stabilization Fund during the 1990-91 biennium. The remainder would be appropriated from the General Revenue Fund.

The bill would appropriate an estimated \$25,300,000 in fiscal year 1990 and \$71,240,000 in fiscal year 1991 from the General Revenue Fund and would reappropriate fiscal year 1990 balances for various health and human service agencies of state government. In addition, \$6,100,000 would be appropriated to the Department of Mental Health and Mental Retardation (TDMHMR) from bond proceeds for the two-year period beginning on the date the proceeds become available and an estimated \$3,460,000 would be appropriated to TDMHMR from federal receipts that would otherwise have been deposited to the General Revenue Fund. In addition, the bill would appropriate \$3.5 million in oil overcharge receipts to the Department of Human Services to be used to assist low-income individuals with utility and transportation expenses.

The bill reduce the following appropriations from the General Revenue Fund for the 1990-91 biennium in the amounts indicated below:

- the appropriation to the National Research Laboratory Commission for debt service by \$9,800,000;
- certain appropriations to the Texas Public Finance Authority for bond debt service by \$11,600,000;
- the appropriation to the Employee Retirement System for the state contribution to state employee uniform group insurance by \$11,700,000;
- appropriations to the Department of Corrections for operation of additional capacity by \$9,700,000.
- appropriations to the Office of the Governor by \$1,000,000;
- appropriations to the Senate by \$500,000;
- appropriations to the House of Representatives by \$1,000,000;
- appropriations to the Legislative Budget Board by \$500,000;
- appropriations to the Sunset Advisory Commission by \$100,000;
- appropriations to the Legislative Council by \$500,000;
- appropriations to the State Auditor's Office by \$500,000.
- appropriation to the Adult Probation Commission by \$3,200,000; and
- appropriations to the Comptroller of Public Accounts for the Uniform Statewide Accounting System by \$8,000,000.

The bill would appropriate the following amounts out of the General Revenue Fund to the Texas Education Agency (TEA):

- \$517,000,000 in fiscal year 1991 for the Foundation School Program (FSP);
- \$5,000,000 in fiscal year 1990 for a school facilities inventory;
- An unspecified amount in fiscal year 1991 for management and leadership training for school administrators; and
- \$5,000,000 in fiscal year 1991 for the purposes of the Public Education Development Fund as created by Senate Bill 1, Sixth Called Session.

The appropriation made to the Foundation School Program would be reduced by amounts appropriated through budget reductions and balances in the Economic Stabilization Fund.

The bill would allow TEA to pay the General Counsel up to ten percent above the level currently provided for this exempt position.

The bill would appropriate \$13,000,000 from the General Revenue Fund for fiscal year 1991 to (TDMHMR) for the purpose of complying with the settlement agreements in the RAJ and Lelsz cases. The bill would authorize the department to transfer not more than \$4,000,000 in funds appropriated for capital outlay to any other item of appropriation to comply with the two settlement agreements. The bill would also appropriate to the department certain federal and other third party receipts which would otherwise be deposited in the General Revenue Fund. The amount of such receipts for TDMHMR is estimated to be \$3,460,000 for the 1990-91 biennium. In addition, the bill would remove certain prior approval requirements on the expenditure of funds appropriated to the department in the General Appropriations Act.

The bill would appropriate \$6,100,000 to the Department of Mental Health and Mental Retardation from the proceeds of the issuance of general obligation bonds authorized under Article III, Section 49-h of the Texas Constitution, for the two-year period beginning on the date the proceeds become available for construction, repair and renovation projects.

The bill would appropriate \$10,900,000 for fiscal year 1990 and \$13,000,000 for fiscal year 1991 from the General Revenue Fund to the Texas Department of Health to be used for Chronically Ill and Disabled Children's Services (CIDC).

The bill would appropriate \$14,400,000 in fiscal year 1990 and \$45,240,000 in fiscal year 1991 from the General Revenue Fund to the Department of Human Services to be used to maintain service levels established by the Seventy-first Legislature, Regular Session, and to comply with federal requirements enacted subsequently. In addition, the bill would appropriate \$3.5 million in oil overcharge receipts to the Department of Human Services to be used to assist low-income individuals with utility and transportation expenses. The bill would also authorize the department, with prior approval of the Governor and the Legislative Budget Board, to transfer from fiscal year 1991 to fiscal year 1990 \$16 million for purchased health services.

The bill would amend several riders in the General Appropriations Act to provide the Department of Human Services with greater transferability in order to reduce the amount of deficit in other items of appropriations.

The bill would also appropriate State Legalization Impact Assistance Grants (SLIAG) to each of the three departments to be used for specified services. These funds were not included in the Comptroller's certification of the General Appropriations Bill due to the uncertainty of the amount of federal funds available for the State Legalization Impact Assistance Grant program and the timing of federal reimbursements for services provided by the agencies. SLIAG funds received by the Texas Department of Health, TDMHMR, and the Department of Human Services are estimated to be \$14.8 million for the 1990-91 biennium.

The bill would reappropriate for fiscal year 1991 any unexpended balances from a \$400,000 appropriation for fiscal year 1990 made to the State Purchasing and General Services Commission from the Capital Trust Fund No. 543 for the purpose of establishing in the capital complex area a child care center for state employees.

The funds appropriated by the bill for the Department of Mental Health and Mental Retardation, the Department of Health and the Department of Human Services would be used for recurring operating expenses and would therefore raise the base level of appropriations in fiscal years 1992 through 1994 and subsequent years, if continued by the Legislature.

No fiscal implication to units of local government is anticipated.

The bill would change the timing of appropriations made to the Bond Review Board and the Board of Insurance within the 1990-91 biennium.

Source: LBB Staff: JO, JWH, AL, JOB, GR, DG, CD, CKM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

June 4, 1990

TO: Honorable Kent A. Caperton, Chairman IN RE: Senate Bill No. 11,
Committee on Finance Sixth Called Session
Senate Chamber By: Brooks, Caperton
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 11, Sixth Called Session (relating to appropriations for the biennium ending August 31, 1991) this office has determined the following:

The bill would appropriate a total of \$527,000,000 to the Central Education Agency. In addition, an unspecified amount would be appropriated to the Central Education Agency for the purpose of funding professional development programs. Of the amount appropriated to the Central Education Agency, an amount estimated to be \$42,440,000 would result from the appropriation of all amounts in the Economic Stabilization Fund during the 1990-91 biennium. The remainder would be appropriated from the General Revenue Fund.

The bill would also make additional appropriations to the Department of Human Services, the Department of Health and the Department of Mental Health and Mental Retardation. The total amounts of the appropriations to these agencies are not specified in the bill as introduced.

The bill reduce the following appropriations from the General Revenue Fund for the 1990-91 biennium in the amounts indicated below:

- the appropriation to the National Research Laboratory Commission for debt service by \$9,800,000;
- certain appropriations to the Texas Public Finance Authority for bond debt service by \$11,600,000;
- the appropriation to the Employee Retirement System for the state contribution to state employee uniform group insurance by \$11,700,000;
- appropriations to the Department of Corrections for operation of additional capacity by \$9,700,000.
- appropriations to the Office of the Governor by \$1,000,000;
- appropriations to the Senate by \$500,000;
- appropriations to the House of Representatives by \$1,000,000;
- appropriations to the Legislative Budget Board by \$500,000;
- appropriations to the Sunset Advisory Commission by \$100,000;
- appropriations to the Legislative Council by \$500,000;
- appropriations to the State Auditor's Office by \$500,000.
- appropriation to the Adult Probation Commission by \$3,200,000; and
- appropriations to the Comptroller of Public Accounts for the Uniform Statewide Accounting System by \$8,000,000.

The bill would appropriate the following amounts out of the General Revenue Fund to the Texas Education Agency (TEA):

- \$517,000,000 in fiscal year 1991 for the Foundation School Program (FSP);
- \$5,000,000 in fiscal year 1990 for a school facilities inventory;
- An unspecified amount in fiscal year 1991 for management and leadership training for school administrators; and
- \$5,000,000 in fiscal year 1991 for the purposes of the Public Education Development Fund as created by Senate Bill 1, Sixth Called Session.

The appropriation made to the Foundation School Program would be reduced by amounts appropriated through budget reductions and balances in the Economic Stabilization Fund.

The bill would allow TEA to pay the General Counsel up to ten percent above the level currently provided for this exempt position.

The bill would appropriate an unspecified amount from the General Revenue Fund for fiscal year 1991 to the Texas Department of Mental Health and Mental Retardation (TDMHMR) for the purpose of complying with the settlement agreements in the RAJ and Lelsz cases. The bill would authorize the department to transfer not more than \$4,000,000 in funds appropriated for capital outlay to any other item of appropriation to comply with the two settlement agreements. The bill would also appropriate to the department certain federal and other third party receipts which would otherwise be deposited in the General Revenue Fund. The amount of such receipts for TDMHMR is estimated to be \$3,460,000 for the 1990-91 biennium. In addition, the bill would remove certain prior approval requirements on the expenditure of funds appropriated to the department in the General Appropriations Act.

The bill would appropriate \$6,100,000 to the Department of Mental Health and Mental Retardation from the proceeds of the issuance of general obligation bonds authorized under Article III, Section 49-h of the Texas Constitution, for the two-year period beginning on the date the proceeds become available for construction, repair and renovation projects.

The bill would appropriate \$10,900,000 for fiscal year 1990 and an unspecified amount for fiscal year 1991 from the General Revenue Fund to the Texas Department of Health to be used for Chronically Ill and Disabled Children's Services (CIDC).

The bill would appropriate \$19,799,719 in fiscal year 1990 and an unspecified amount in fiscal year 1991 from the General Revenue Fund to the Department of Human Services to be used to maintain service levels established by the Seventy-first Legislature, Regular Session, and to comply with federal requirements enacted subsequently. In addition, the bill would appropriate \$3.5 million in oil overcharge receipts to the Department of Human Services to be used to assist low-income individuals with utility and transportation expenses. The bill would also authorize the department, with prior approval of the Governor and the Legislative Budget Board, to transfer from fiscal year 1991 to fiscal year 1990 \$5 million for purchased health services.

The bill would amend several riders in the General Appropriations Act to provide the Department of Human Services with greater transferability in order to reduce the amount of deficit in other items of appropriations.

The bill would also appropriate State Legalization Impact Assistance Grants (SLIAG) to each of the three departments to be used for specified services. These funds were not included in the Comptroller's certification of the General Appropriations Bill due to the uncertainty of the amount of federal funds available for the State Legalization Impact Assistance Grant program and the timing of federal reimbursements for services provided by the agencies. SLIAG funds received by the Texas Department of Health, TDMHMR, and the Department of Human Services and credited to general revenue to date in fiscal year 1990 total \$3.2 million and are estimated to be \$6.5 million in fiscal year 1991.

The bill would reappropriate for fiscal year 1991 any unexpended balances from a \$400,000 appropriation for fiscal year 1990 made to the State Purchasing and General Services Commission from the Capital Trust Fund No. 543 for the purpose of establishing in the capital complex area a child care center for state employees.

The funds appropriated by the bill for the Department of Mental Health and Mental Retardation, the Department of Health and the Department of Human Services would be used for recurring operating expenses and would therefore raise the base level of appropriations in fiscal years 1992 through 1994 and subsequent years, if continued by the Legislature.

No fiscal implication to units of local government is anticipated.

The bill would allow the appropriation to the Comptroller of Public Accounts for miscellaneous claims to be used for eligible expenses for outside legal council appointed before September 1, 1989 to defend indigent inmates. These payments would be exempted from the statutory limit on payment of miscellaneous claims.

Source: LBB Staff: JO, JWH, AL, JOB, GR, DG, CD, PA

By Brooks, et al.

S.B. No. 11

Substitute the following for S.B. No. 11:

By

C.S.S.B. No. 11

A BILL TO BE ENTITLED

AN ACT

relating to appropriations for the biennium ending August 31, 1991.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE I. GENERAL PROVISION

SECTION 1.01. DEFINITION. In this Act, "General Appropriations Act" means Chapter 1263, Acts of the 71st Legislature, Regular Session, 1989.

ARTICLE II. REDUCTIONS IN APPROPRIATIONS

SECTION 2.01. BOND DEBT SERVICE. (a) The amount

appropriated to the National Research Laboratory Commission by Item 4., page III-53, General Appropriations Act, for bond debt service is reduced by \$9.8 million for the fiscal biennium ending August 31, 1991.

(b) The amount appropriated to the Texas Public Finance Authority by Item 4., page I-124, General Appropriations Act, for bond debt service is reduced by \$10.2 million for the fiscal biennium ending August 31, 1991.

(c) The amount appropriated to the Texas Public Finance Authority by Item 5., page I-124, General Appropriations Act, for bond debt service is reduced by \$1.4 million for the fiscal biennium ending August 31, 1991.

SECTION 2.02. STATE CONTRIBUTIONS TO GROUP INSURANCE. The amount appropriated to the Employees Retirement System of Texas by Item 2., page I-109, General Appropriations Act, for state

6-4-90 ##
6-5-90 ##
6-6-90 ##

1 contributions to state employees uniform group insurance coverages^{1/2}
2 for the fiscal year ending August 31, 1991, is reduced by \$11.7
3 million. Rider 6., page I-113, General Appropriations Act,
4 continues to apply to determine the rate of contribution for each
5 full-time active or retired employee.

6 SECTION 2.03. PRISON OPERATION. The total amount
7 appropriated to the Department of Corrections (Texas Department of
8 Criminal Justice) by Item 9., page I-83, General Appropriations
9 Act, for operation of additional capacity is reduced by \$9.7
10 million for the fiscal biennium ending August 31, 1991. The Texas
11 Board of Criminal Justice shall determine and certify to the
12 comptroller of public accounts the source or sources of the
13 reduction from among the subitems in Item 9.

14 SECTION 2.04. GOVERNOR. The total amount appropriated to
15 the Office of the Governor on page I-138, General Appropriations
16 Act, from the general revenue fund for the fiscal biennium ending
17 August 31, 1991, is reduced by \$1 million. The governor shall
18 determine and certify to the comptroller of public accounts the
19 source or sources of the reduction from among the general revenue
20 fund appropriations.

21 SECTION 2.05. LEGISLATURE. (a) The amount appropriated to
22 the senate by Rider 1., page VI-1, General Appropriations Act, for
23 the fiscal biennium ending August 31, 1991, is reduced by \$500,000.

24 (b) The amount appropriated to the house of representatives
25 by Rider 2., page VI-2, General Appropriations Act, for the fiscal
26 biennium ending August 31, 1991, is reduced by \$1 million.

27 (c) The amount appropriated to the Legislative Budget Board^{1/3}

1 by Rider 6.a., page VI-3, General Appropriations Act, for the
2 fiscal biennium ending August 31, 1991, is reduced by \$500,000.

3 (d) The amount appropriated to the Sunset Advisory
4 Commission by Rider 8.b., page VI-4, General Appropriations Act,
5 for the fiscal biennium ending August 31, 1991, is reduced by
6 \$100,000.

7 (e) The amount appropriated to the Legislative Council by
8 Rider 1., page VI-6, General Appropriations Act, for the purposes
9 for which money is appropriated by Item 1., page VI-5 of that Act,
10 for the fiscal biennium ending August 31, 1991, is reduced by
11 \$500,000.

12 (f) The amount appropriated to the State Auditor's Office by
13 Rider 4., page VI-8, General Appropriations Act, for the fiscal
14 biennium ending August 31, 1991, is reduced by \$500,000.

15 SECTION 2.06. UNIFORM STATEWIDE ACCOUNTING SYSTEM. The
16 amount appropriated to the comptroller of public accounts for
17 allocation to state agencies for implementation of the Uniform
18 Statewide Accounting System on page I-74, General Appropriations
19 Act, is reduced by \$8 million for the fiscal biennium ending
20 August 31, 1991.

21 SECTION 2.07. ADULT PROBATION COMMISSION. (a) The amount
22 allocated to the Adult Probation Commission by Rider 1., Item 1.,
23 page I-234, General Appropriations Act, for capital outlay is
24 reduced by \$3.2 million for the fiscal biennium ending August 31,
25 1991.

26 (b) The amount appropriated by Item 2., page VII-1, General
27 Appropriations Act, for acquisition of computer equipment and

software is reduced by \$3.2 million for the fiscal year ending August 31, 1990.

SECTION 2.08. SOURCE OF REDUCTIONS. Any reductions in appropriations provided for in this article are from amounts previously appropriated from the general revenue fund unless otherwise specified.

ARTICLE III. APPROPRIATIONS

TO CENTRAL EDUCATION AGENCY

→ *Insert 1/00 Am. # ① ②*

SECTION 3.01. BUDGET REDUCTIONS. In addition to amounts previously appropriated for the biennium ending August 31, 1991, all amounts resulting from the reductions in appropriations from the general revenue fund provided for in Article II of this Act, estimated to be \$58.1 million, are hereby appropriated to the Central Education Agency for the biennium ending August 31, 1991, for purposes of distribution under the Foundation School Program.

SECTION 3.02. ECONOMIC STABILIZATION FUND. In addition to amounts previously appropriated for the biennium ending August 31, 1991, all amounts in the economic stabilization fund during the biennium are appropriated for that period to the Central Education Agency for purposes of distribution under the Foundation School Program.

SECTION 3.03. GENERAL REVENUE APPROPRIATION. (a) In addition to sums appropriated under Chapters 1263 and 816, Acts of the 71st Legislature, Regular Session, 1989, to the Central Education Agency for the Foundation School Program, the sum of ^{4/5} \$517,920,000 is appropriated to the agency for the fiscal year ending August 31, 1991, from the general revenue fund, including

any transfers to the foundation school fund, for allocation under the Foundation School Program. Of that amount, \$456,629,020 is a sum certain under ^{Subsection (d),} Section 16.254(d), Education Code, and \$61,290,980 is for purposes of Section 1.21, S.B. 1, Acts of the 71st Legislature, 6th Called Session, 1990. If the amount designated for purposes of Section 1.21, S.B. 1, is insufficient ^{of education} for the purposes of that section, the commissioner shall proportionately reduce the amount to which each district is entitled under that section.

(b) The appropriation made by this section is reduced by any amounts appropriated for that purpose by Sections 3.01 and 3.02 of this article.

SECTION 3.04. PUBLIC EDUCATION DEVELOPMENT FUND. For the fiscal year ending August 31, 1991, the sum of \$5 million is transferred from the general revenue fund to the public education development fund created under Section 11.271, Education Code, as added by S.B. 1, Acts of the 71st Legislature, 6th Called Session, 1990, and all balances accruing to that fund are appropriated to the Central Education Agency for the purposes of that fund.

SECTION 3.05. FACILITIES INVENTORY. For the fiscal year ending August 31, 1990, the sum of \$5 million is appropriated from the general revenue fund to the Central Education Agency for the purpose of the facilities inventory under Section 16.401, Education Code, and the unexpended balance is appropriated to the agency for ^{3/6} the same purpose for the fiscal year ending August 31, 1991.

SECTION 3.06. PROFESSIONAL DEVELOPMENT PROGRAMS. For the fiscal year ending August 31, 1991, the sum of \$80,000 is

appropriated from the general revenue fund to the Central Education Agency for the purpose of funding programs referred to in ^{Subsection (c),} Section 13.353 ^(e), Education Code, ^{as added by S.B. 1, Acts of the 71st Legislature, 6th Called Session, 1990.}

SECTION 3.07. GENERAL COUNSEL SALARY. In addition to the salary specified by the General Appropriations Act for the exempt position of general counsel of the Central Education Agency, the agency may pay the general counsel up to 10 percent more than the specified salary if the general counsel is certified in a specialty area by the State Bar of Texas that the commissioner of education determines is directly related to the employment duties of the general counsel. The agency shall report any payment under this section to the Legislative Budget Board at the end of each fiscal year in the biennium.

ARTICLE IV. APPROPRIATIONS TO OTHER AGENCIES

SECTION 4.01. TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION. (a) In addition to amounts previously appropriated for the biennium ending August 31, 1991, the sum of \$13 million is appropriated, for the fiscal year ending August 31, 1991, from the general revenue fund to the Texas Department of Mental Health and Mental Retardation for the purpose of complying with the settlement agreements in the RAJ and Lelsz cases, with the intent that it be ^{6/1} spent during the first six months of that fiscal year. The Texas Department of Mental Health and Mental Retardation shall seek an emergency appropriation during the regular session of the 72nd Legislature for the purpose of maintaining compliance with court orders and service levels established by this Act and the General

1 Appropriations Act.

2 (b) In addition to amounts previously appropriated for the
3 current fiscal biennium, the sum of \$6.1 million is appropriated to
4 the Texas Department of Mental Health and Mental Retardation from
5 the proceeds of the issuance of bonds previously authorized by the
6 approval of the voters of S.J.R. No. 24, Acts of the 71st
7 Legislature, Regular Session, 1989, for the two-year period
8 beginning on the date the proceeds become available. The funds are
9 to be used for the conversion of open-bay dormitories in state
10 schools as required to meet federal Intermediate Care Facility for
11 Persons with Mental Retardation (ICF-MR) standards and for other
12 court-related construction, repair, and renovation projects in
13 state facilities.

14 (c) Notwithstanding any provision of the General
15 Appropriations Act, the Texas Department of Mental Health and
16 Mental Retardation may transfer, from amounts previously
17 appropriated by Article VII of the General Appropriations Act and
18 allocated by Rider 1., page II-58, of that Act to the department
19 for capital outlay, not more than \$4 million to any other item of
20 appropriation, for the purpose of complying with the RAJ and Lelsz
21 settlement agreements. The unobligated and unexpended balance of 1/8
22 any amount transferred under this subsection during fiscal year
23 1990 is reappropriated to the department for fiscal year 1991 for
24 the same purpose for which the amount is transferred.

25 (d) Rider 10., page II-61, General Appropriations Act, is
26 amended to read as follows:

27 10. FEDERAL COLLECTIONS. The Department of Mental Health and

1 Mental Retardation shall implement procedures for maximizing
2 collections under Title XVIII and Title XIX of the Social
3 Security Act and from other third party sources as
4 reimbursement for services. All collections pertaining to
5 reimbursement for services received by the Department after
6 the effective date of this act, excluding per diem medicaid
7 reimbursement for state schools, for services provided prior
8 to September 1, 1989 are hereby appropriated for the fiscal
9 biennium ending August 31, 1991, as follows:

- 10 a. To the Department to offset the cost of collections.
- 11 b. To [~~Fifty-percent-of-all-remaining--collections--shall--be~~
12 ~~appropriated-to~~] the department for expansion of community
13 services, compliance with existing settlement agreements,
14 and improvements in the quality of care for individuals
15 served by the department. [~~The-remaining-fifty-percent~~
16 ~~shall-be-deposited-to-the-General-Revenue-Fund.~~]

17 (e) Rider 26., page II-64, General Appropriations Act, is
18 amended to read as follows:

19 26. REVENUE COLLECTIONS. The Texas Department of Mental Health
20 and Mental Retardation is appropriated, for the fiscal 3/
21 biennium ending August 31, 1991, [~~50--percent--of~~] all
22 collections under Title XVIII and Title XIX of the Social
23 Security Act and other third party collections, excluding per
24 diem Medicaid reimbursement for state schools, that are in
25 excess of the amounts collected for services rendered in
26 fiscal year 1989, excluding per diem Medicaid reimbursement
27 for state schools. It is the intent of the Legislature that

1 50 percent of these funds be allocated to state facilities
 2 based on each facility's pro rata share of the increased
 3 collections. The remaining 50 percent of these collections
 4 shall be used by the department for compliance with existing
 5 settlement agreements, improvements in the quality of care for
 6 individuals served by the department, or expansion of
 7 community services [~~deposited--in-the-General-Revenue-Fund~~].

8 The total amount of collections appropriated to the department
 9 may not exceed \$5 million in either year of the biennium. The
 10 department shall provide an annual report to the Legislative
 11 Budget Board and the Governor's Office of Budget and Planning
 12 on revenues and expenditures as a result of this rider
 13 provision.

14 (f) Rider 37., page II-66, General Appropriations Act, is
 15 amended to read as follows:

16 37. AFTERCARE CONTINGENCY APPROPRIATION. In addition to funds
 17 appropriated above and contingent upon TDMHMR's submission of
 18 a plan to the Legislative Budget Board and the Governor for
 19 meeting compliance criteria for aftercare in the RAJ case, ^{9/10}
 20 once those criteria have been clearly established, [~~and~~
 21 ~~contingent--upon-the-LBB's-approval-of-that-plan,~~] \$10 million
 22 from the General Revenue Fund is hereby appropriated to
 23 TDMHMR, for the fiscal biennium ending August 31, 1991, for
 24 providing aftercare services to persons discharged from state
 25 mental hospitals.

26 (g) Rider 8., page II-60, General Appropriations Act, is
 27 amended to read as follows:

1 8. UNOBLIGATED CONSTRUCTION BALANCES. Any unobligated balances
2 as of August 31, 1989, in appropriations made ~~by~~ for
3 Construction by Senate Bill No. 1, Acts of the Seventieth
4 Legislature, Second Called Session, 1987, or previous acts,
5 are hereby reappropriated for the identical purposes and
6 subject to the same restrictions for the biennium beginning
7 with the effective date ~~[data]~~ of this Act, except that
8 Legislative Budget Board approval of specific community-based
9 facility projects for persons who have mental retardation and
10 are difficult to place is not required and Section 128,
11 Article V, of this Act does not apply to those projects. Any
12 balances remaining in excess of the requirements of such
13 identical purposes may be allocated by the board for the
14 purpose of emergency repairs and maintenance and life safety
15 code alterations.

16 (h) Before expending any amounts appropriated by this
17 section for the fiscal year ending August 31, 1991, the Texas
18 Department of Mental Health and Mental Retardation shall submit to ¹²
19 the governor and the Legislative Budget Board an expenditure plan
20 that projects client services costs and other program costs.
21 During the 30-day period after the date of submission of the plan,
22 the department may not expend any of the appropriations, and the
23 governor or the Legislative Budget Board may disapprove the
24 expenditure of any or all of the amounts. If the department does
25 not receive, within the 30-day period, notice from the governor or
26 the Legislative Budget Board that the expenditure plan has been
27 disapproved, the department may expend the appropriations.

TEXAS

SECTION 4.02. ^A DEPARTMENT OF HEALTH. (a) In addition to amounts previously appropriated for the biennium ending August 31, 1991, the sum of \$10.9 million is appropriated for the fiscal year ending August 31, 1990, from the general revenue fund to the Texas Department of Health for the chronically ill and disabled children's services program. The unobligated and unexpended balance of that appropriation is reappropriated, and the additional sum of \$13 million is appropriated from the general revenue fund, for the fiscal year ending August 31, 1991, to the department for the same purpose.

(b) In order to maximize the use of federal Medicaid funds, the Texas Department of Health shall, to the greatest extent possible, coordinate the claims payment process for the chronically ill and disabled children's services program with the Medicaid payment process used by the Texas Department of Human Services.

(c) Before implementing substantive changes in eligibility determination or case management activities under the chronically ill and disabled children's services program, the Texas Department of Health shall submit the proposed changes to the Maternal and Child Health Advisory Committee for review and recommendation to the Texas Board of Health.

→ *Insert floor Am. # 4*
 (d) Beginning in the fiscal year ending August 31, 1991, the Texas Department of Health may restore the income eligibility level for chronically ill and disabled children's services to the level used in the fiscal year ending August 31, 1989 (200 percent of the federal poverty level), only if funds are available for that purpose within the department's budget.

1 (e) The department shall submit a monthly report to the
2 Governor's Office of Budget and Planning and the Legislative Budget
3 Office that provides actual and projected expenditures for
4 chronically ill and disabled children's services. The two budget
5 offices shall prescribe the form for reports required by this
6 subsection.

7 (f) Before expending any amounts appropriated by this
8 section for the fiscal year ending August 31, 1991, the Texas
9 Department of Health shall submit to the governor and the
10 Legislative Budget Board an expenditure plan that projects client
11 services costs and other program costs. During the 30-day period^{12/13}
12 after the date of submission of the plan, the department may not
13 expend any of the appropriations, and the governor or the
14 Legislative Budget Board may disapprove the expenditure of any or
15 all of the amounts. If the department does not receive, within the
16 30-day period, notice from the governor or the Legislative Budget
17 Board that the expenditure plan has been disapproved, the
18 department may expend the appropriations.

19 (g) The unobligated and unexpended balances of all
20 appropriations made by the General Appropriations Act to the Texas
21 Department of Health for the fiscal year ending August 31, 1990,
22 that were not otherwise reappropriated by that Act are
23 reappropriated to the department for the fiscal year ending August
24 31, 1991, for the chronically ill and disabled children's and the
25 maternal and child health programs. Before expending any amounts
26 reappropriated by this subsection, the department shall submit a
27 report to the Governor's Office of Budget and Planning and the

Legislative Budget Office that provides projected expenditures of the reappropriated amounts for the two programs. The two budget offices shall prescribe the form for the report required by this subsection.

(h) The legislature intends that the Texas Department of Health expend the appropriations made by this Act and the General Appropriations Act in a manner that maintains the levels of service for which funds are appropriated by this Act and were originally appropriated by the General Appropriations Act. The legislature further intends to appropriate, during the regular session of the 72nd Legislature, additional needed amounts to enable the department to achieve this purpose.

(i) Rider 18., page II-21, General Appropriations Act, is repealed.

Insert Floor Am. #3
SECTION 4.03. TEXAS DEPARTMENT OF HUMAN SERVICES. (a) In

addition to amounts previously appropriated for the biennium ending August 31, 1991, the sum of \$14.4 million is appropriated, for the fiscal year ending August 31, 1990, and the sum of \$45.24 million is appropriated, for the fiscal year ending August 31, 1991, from the general revenue fund to the Texas Department of Human Services for the purposes of maintaining service levels established by the 71st Legislature, Regular Session, 1989, and of complying with federal requirements enacted since that regular legislative session.

(b) In addition to amounts previously appropriated for the biennium ending August 31, 1991, the sum of \$3.5 million is appropriated, for that biennium, from the oil overcharge account in

1 the general revenue fund to the Texas Department of Human Services
2 for the purpose of assisting low-income individuals with utility^{14/15}
3 and transportation expenses.

4 (c) The Texas Department of Human Services may transfer
5 appropriations from one item of appropriation to another for
6 purposes of maintaining service levels established by the General
7 Appropriations Act or of complying with federal requirements upon
8 the approval of the Legislative Budget Board. Any transfer made
9 under authority of this subsection must comply with the procedures
10 provided by Rider 37.a., page II-47, General Appropriations Act.

11 (d) Riders 4. and 5., page II-39, General Appropriations
12 Act, are amended to read as follows:

13 4. AFDC PAYMENTS AND UNEXPENDED BALANCES. Funds appropriated for
14 payments for Aid to Families with Dependent Children shall be
15 payable in equal monthly installments on the first day of each
16 calendar month in fiscal year 1990. Before July 15, 1990, the
17 Department of Human Services shall give the Comptroller of
18 Public Accounts and the State Treasurer a statement of
19 estimated cash flow requirements for Children's Assistance
20 funds appropriated for fiscal year 1991. Children's
21 Assistance funds appropriated for fiscal year 1991 are payable
22 according to the statement of estimated cash flow
23 requirements. Any[7-provided, however, that any] balances on
24 hand in these funds may be carried over from month to month
25 during each fiscal year and from fiscal year 1990 to fiscal
26 year 1991 and such funds are reappropriated to the department
27 for the 1990-1991 biennium.

1 5. MEDICAL ASSISTANCE PAYMENTS AND UNEXPENDED BALANCES. Funds ^{15/1/2}

2 appropriated hereinabove out of Medical Assistance funds for
3 all medical programs shall be payable in equal monthly
4 installments on the first day of each calendar month in fiscal
5 year 1990. Before July 15, 1990, the Department of Human
6 Services shall give the Comptroller of Public Accounts and the
7 State Treasurer a statement of estimated cash flow
8 requirements for Medical Assistance funds appropriated for
9 fiscal year 1991. Medical Assistance funds appropriated for
10 fiscal year 1991 are payable according to the statement of
11 estimated cash flow requirements. Any[~~---provided,---however,~~
12 ~~that---any~~] balances on hand in such funds may be carried over
13 from month to month during each fiscal year and from fiscal
14 year 1990 to fiscal year 1991, and such funds are
15 reappropriated to the department for the 1990-1991 biennium.

16 (e) The Texas Department of Human Services shall, not later
17 than September 1, 1990, submit a report on the department's
18 remaining budget shortfall projected for the fiscal year ending
19 August 31, 1991, to the governor and the Legislative Budget Board
20 in a format prescribed by the Legislative Budget Office. The
21 report shall include information on any transfers made between
22 programs or activities for the fiscal year ending August 31, 1991,
23 cost-containment procedures undertaken by the department, and
24 efforts to pursue federal or third-party funding.

25 (f) In addition to the authority otherwise provided by this
26 section, the Texas Department of Human Services, with the prior
27 approval of the governor and Legislative Budget Board, may transfer ^{16/17}

1 an amount not to exceed \$16 million from fiscal year 1991
2 appropriations for purchased health services to 1990 appropriations
3 for purchased health services to maintain current levels of
4 service.

5 (g) The legislature intends that the Texas Department of
6 Human Services expend the appropriations made by this Act and the
7 General Appropriations Act in a manner that maintains the levels of
8 service for which funds are appropriated by this Act and were
9 originally appropriated by the General Appropriations Act. The
10 legislature further intends to appropriate, during the regular
11 session of the 72nd Legislature, additional needed amounts to
12 enable the department to achieve this purpose.

13 SECTION 4.04. APPROPRIATION OF STATE LEGALIZATION IMPACT
14 ASSISTANCE GRANTS. Section 102, Article V, ^{pages V-86, 87,} General Appropriations
15 Act, is amended to read as follows:

16 Sec. 102. STATE LEGALIZATION IMPACT ASSISTANCE GRANTS.

- 17 1. Federal State Legalization Impact Assistance Grant (SLIAG)
18 funds received by state agencies as reimbursement in fiscal
19 year 1990 and fiscal year 1991 for SLIAG-related
20 administrative costs, costs of providing language and
21 citizenship classes, or costs incurred by local units of
22 government in providing services to eligible legalized aliens
23 are hereby appropriated for the purpose of augmenting existing
24 state appropriations or reimbursing local units of government.
25 Otherwise, federal SLIAG funds received by state agencies in
26 fiscal year 1990 and fiscal year 1991 as reimbursement for ¹⁷¹¹⁸
27 costs incurred in providing services to eligible legalized

1 aliens paid for out of existing program appropriations shall
2 be deposited to the General Revenue Fund, with the following
3 exceptions:

4 a. SLIAG funds received by the Department of Health in excess
5 of those appropriated to the department by Article II of
6 this Act are appropriated to the department for the
7 biennium for chronically ill and disabled children's
8 services;

9 b. SLIAG funds received by the Department of Mental Health
10 and Mental Retardation are appropriated to the department
11 for the biennium for compliance with existing settlement
12 agreements, improvements in the quality of care for
13 individuals served by the department, and expansion of
14 community services; and

15 c. SLIAG funds received by the Department of Human Services
16 are appropriated to the department for the biennium for
17 AFDC-related premiums for the purchased health services
18 program.

19 2. Agencies receiving State Legalization Impact Assistance Grant
20 (SLIAG) funds during fiscal year 1990 and 1991 shall submit a
21 report at the end of each fiscal year to the Legislative
22 Budget Office, the Governor's Office of Budget and Planning,
23 and the Health and Human Services Coordinating Council
24 detailing the actual amount of SLIAG funds received and the
25 purposes for which the funds were expended. ^{12/1/88}

26 SECTION 4.05. STATE PURCHASING AND GENERAL SERVICES
27 COMMISSION. Rider 41., page I-253, General Appropriations Act, is

amended to read as follows:

41. CONTINGENCY FOR SENATE BILL NO. 1480. Contingent upon enactment of Senate Bill No. 1480, Acts of the Seventy-first Legislature, Regular Session, or other similar legislation, \$400,000 for fiscal year 1990 from the Capital Trust Fund No. 543 is hereby appropriated for the purpose of implementing the provisions of the Act. The unobligated and unexpended balance of that appropriation is reappropriated for fiscal year 1991 to the State Purchasing and General Services Commission for the same purpose.

SECTION 4.06. BOND REVIEW BOARD. The unobligated and unexpended balances of all appropriations made by the General Appropriations Act to the ~~Bond Review~~ Board for the fiscal year ending August 31, 1990, are reappropriated to the board for the fiscal year ending August 31, 1991, for the purposes for which the appropriations were made by the General Appropriations Act.

SECTION 4.07. STATE BOARD OF INSURANCE. The appropriations made by Section 17.15, Chapter 1, Acts of the 71st Legislature, 2nd Called Session, 1989, to the State Board of Insurance for the fiscal year ending August 31, 1990, take effect immediately. The unobligated and unexpended balances of those appropriations are reappropriated to the board for the fiscal year ending August 31, 1991, for the same purposes for which they were appropriated by Chapter 1, Acts of the 71st Legislature, 2nd Called Session, 1989.

ARTICLE V. MISCELLANEOUS PROVISION

SECTION 5.01. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an

C.S.S.B. No. 11

1 emergency and an imperative public necessity that the
2 constitutional rule requiring bills to be read on three several
3 days in each house be suspended, and this rule is hereby suspended,
4 and that this Act take effect and be in force from and after its
5 passage, and it is so enacted.

AMENDMENT NO.

BY Amel

Amend C.S.S.B. 11 as follows:

(1) Strike Subsection (a) of Section 2.01 and substitute the following:

(a) The amount appropriated to the National Research Laboratory Commission by Item 4., page III-53, General Appropriations Act, for bond debt service is reduced by \$11,226,199 for the fiscal biennium ending August 31, 1991.

(2) Strike Section 3.01 and substitute the following:

SECTION 3.01. BUDGET REDUCTIONS. In addition to amounts previously appropriated for the biennium ending August 31, 1991, all amounts resulting from the reductions in appropriations from the general revenue fund provided for in Article II of this Act, estimated to be \$59,526,199, are hereby appropriated to the Central Education Agency for the biennium ending August 31, 1991, for purposes of distribution under the Foundation School Program.

For Am. #1

6-5-90

6-6-96

ADOPTED
5 1920

JUN 19 1920

AMENDMENT NO. 42

BY Amperon

Amend C.S.S.B. No. 11 by adding the following language after SECTION 4.07:

SECTION 4.08.

ff /

COMPTROLLER OF PUBLIC ACCOUNTS--INDIGENT DEFENSE CLAIMS.

The appropriation to the comptroller of public accounts for purposes of Section 403.074, Government Code, made by the General Appropriations Act, page I-78, may also be used for the purpose of paying costs incurred under Article 26.055, Code of Criminal Procedure, for eligible expenses related to outside legal counsel appointed to defend an indigent inmate on whose behalf the appointment occurred before September 1, 1989. The statutory limit on payment of miscellaneous claims imposed by Section 403.074, Government Code, does not apply to the payments authorized by this section.

ADOPTED

JUN 5 1990

v b h
6-7-90

King
Clerk of the Court

Hoar Am. # ②
6-5-90

FLOOR AMENDMENT NO. 3

BY: B. Grobe

1 Amend C.S.S.B. No. 11 by adding Subsection (j) to Section 4.02
2 (page 6, Committee Printing) to read as follows:

3 (j) Notwithstanding any other section of this Act, any
4 unobligated funds appropriated for the fiscal year ending
5 August 31, 1990, by the General Appropriations Act for the purposes
6 of implementing the Omnibus Health Care Rescue Act, Chapter 1027,
7 Acts of the 71st Legislature, Regular Session, 1989, are
8 reappropriated to the Texas Department of Health for the same
9 purposes for the fiscal year ending August 31, 1991.

ADOPTED

JUN 5 1990

[Signature]

v h
8-7-90

Floor Am. #3

6-5-90

FLOOR AMENDMENT NO. 4

By

Krien

Amend S.B. 11, SECTION 4.02, by deleting Subsection (d) in its entirety and by substituting in lieu thereof the following:

(d) In addition to the authority otherwise provided by this section, the Texas Department of Health may transfer ~~FY 1990~~ funds from other line items to the Chronically Ill and Disabled Children's Services program for the purpose of restoring the income eligibility to 200 percent of the federal poverty level. The legislature intends that the Department ~~shall~~ maintain the eligibility level at 200 percent for ^{the} fiscal year 1991, and the legislature further intends to appropriate, during the regular session of the 72nd Legislature, additional needed amounts to enable the Department to achieve this purpose.

ending August 31,

appropriated for the fiscal year ending August 31, 1990,

ADOPTED

JUN 5 1990

Anthony
Secretary of the Senate

Floor Am. # ④

6-5-90

W
6/5/90

6-7-90

June 5 1990 Engrossed

Larry Spaw
Engrossing Clerk

1990 JUN -5 PM 6:55

HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct
copy of SB 11, which was
received from the Senate on JUN 5 1990, and
referred to the Committee on State Affairs

Betty Murrain
Chief Clerk of the House

By: Brooks, Caperton
(Rudd)

S.B. No. 11

A BILL TO BE ENTITLED

AN ACT

relating to appropriations for the biennium ending August 31, 1991.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE I. GENERAL PROVISION

SECTION 1.01. DEFINITION. In this Act, "General
Appropriations Act" means Chapter 1263, Acts of the 71st
Legislature, Regular Session, 1989.

ARTICLE II. REDUCTIONS IN APPROPRIATIONS

SECTION 2.01. BOND DEBT SERVICE. (a) The amount
appropriated to the National Research Laboratory Commission by Item
4., page III-53, General Appropriations Act, for bond debt service
is reduced by \$11,226,199 for the fiscal biennium ending August 31,
1991.

(b) The amount appropriated to the Texas Public Finance
Authority by Item 4., page I-124, General Appropriations Act, for
bond debt service is reduced by \$10.2 million for the fiscal
biennium ending August 31, 1991.

(c) The amount appropriated to the Texas Public Finance
Authority by Item 5., page I-124, General Appropriations Act, for
bond debt service is reduced by \$1.4 million for the fiscal
biennium ending August 31, 1991.

SECTION 2.02. STATE CONTRIBUTIONS TO GROUP INSURANCE. The
amount appropriated to the Employees Retirement System of Texas by
Item 2., page I-109, General Appropriations Act, for state
contributions to state employees uniform group insurance coverages

1 for the fiscal year ending August 31, 1991, is reduced by \$11.7
2 million. Rider 6., page I-113, General Appropriations Act,
3 continues to apply to determine the rate of contribution for each
4 full-time active or retired employee.

5 SECTION 2.03. PRISON OPERATION. The total amount
6 appropriated to the Department of Corrections (Texas Department of
7 Criminal Justice) by Item 9., page I-83, General Appropriations
8 Act, for operation of additional capacity is reduced by \$9.7
9 million for the fiscal biennium ending August 31, 1991. The Texas
10 Board of Criminal Justice shall determine and certify to the
11 comptroller of public accounts the source or sources of the
12 reduction from among the subitems in Item 9.

13 SECTION 2.04. GOVERNOR. The total amount appropriated to
14 the Office of the Governor on page I-138, General Appropriations
15 Act, from the General Revenue Fund for the fiscal biennium ending
16 August 31, 1991, is reduced by \$1 million. The governor shall
17 determine and certify to the comptroller of public accounts the
18 source or sources of the reduction from among the General Revenue
19 Fund appropriations.

20 SECTION 2.05. LEGISLATURE. (a) The amount appropriated to
21 the senate by Rider 1., page VI-1, General Appropriations Act, for
22 the fiscal biennium ending August 31, 1991, is reduced by \$500,000.

23 (b) The amount appropriated to the house of representatives
24 by Rider 2., page VI-2, General Appropriations Act, for the fiscal
25 biennium ending August 31, 1991, is reduced by \$1 million.

26 (c) The amount appropriated to the Legislative Budget Board

1 by Rider 6.a., page VI-3, General Appropriations Act, for the
2 fiscal biennium ending August 31, 1991, is reduced by \$500,000.

3 (d) The amount appropriated to the Sunset Advisory
4 Commission by Rider 8.b., page VI-4, General Appropriations Act,
5 for the fiscal biennium ending August 31, 1991, is reduced by
6 \$100,000.

7 (e) The amount appropriated to the Legislative Council by
8 Rider 1., page VI-6, General Appropriations Act, for the purposes
9 for which money is appropriated by Item 1., page VI-5 of that Act,
10 for the fiscal biennium ending August 31, 1991, is reduced by
11 \$500,000.

12 (f) The amount appropriated to the State Auditor's Office by
13 Rider 4., page VI-8, General Appropriations Act, for the fiscal
14 biennium ending August 31, 1991, is reduced by \$500,000.

15 SECTION 2.06. UNIFORM STATEWIDE ACCOUNTING SYSTEM. The
16 amount appropriated to the comptroller of public accounts for
17 allocation to state agencies for implementation of the Uniform
18 Statewide Accounting System on page I-74, General Appropriations
19 Act, is reduced by \$8 million for the fiscal biennium ending
20 August 31, 1991.

21 SECTION 2.07. ADULT PROBATION COMMISSION. (a) The amount
22 allocated to the Adult Probation Commission by Rider 1., Item 1.,
23 page I-234, General Appropriations Act, for capital outlay is
24 reduced by \$3.2 million for the fiscal biennium ending August 31,
25 1991.

26 (b) The amount appropriated by Item 2., page VII-1, General

1 Appropriations Act, for acquisition of computer equipment and
2 software is reduced by \$3.2 million for the fiscal year ending
3 August 31, 1990.

4 SECTION 2.08. SOURCE OF REDUCTIONS. Any reductions in
5 appropriations provided for in this article are from amounts
6 previously appropriated from the General Revenue Fund unless
7 otherwise specified.

8 ARTICLE III. APPROPRIATIONS
9 TO CENTRAL EDUCATION AGENCY

10 SECTION 3.01. BUDGET REDUCTIONS. In addition to amounts
11 previously appropriated for the biennium ending August 31, 1991,
12 all amounts resulting from the reductions in appropriations from
13 the General Revenue Fund provided for in Article II of this Act,
14 estimated to be \$59,526,199, are hereby appropriated to the Central
15 Education Agency for the biennium ending August 31, 1991, for
16 purposes of distribution under the Foundation School Program.

17 SECTION 3.02. ECONOMIC STABILIZATION FUND. In addition to
18 amounts previously appropriated for the biennium ending August 31,
19 1991, all amounts in the economic stabilization fund during the
20 biennium are appropriated for that period to the Central Education
21 Agency for purposes of distribution under the Foundation School
22 Program.

23 SECTION 3.03. GENERAL REVENUE APPROPRIATION. (a) In
24 addition to sums appropriated under Chapters 1263 and 816, Acts of
25 the 71st Legislature, Regular Session, 1989, to the Central
26 Education Agency for the Foundation School Program, the sum of

S.B. No. 11

1 \$517,920,000 is appropriated to the agency for the fiscal year
2 ending August 31, 1991, from the General Revenue Fund, including
3 any transfers to the foundation school fund, for allocation under
4 the Foundation School Program. Of that amount, \$456,629,020 is a
5 sum certain under Subsection (d), Section 16.254, Education Code,
6 and \$61,290,980 is for purposes of Section 1.21, S.B. 1, Acts of
7 the 71st Legislature, 6th Called Session, 1990. If the amount
8 designated for purposes of Section 1.21, S.B. 1, is insufficient
9 for the purposes of that section, the commissioner of education
10 shall proportionately reduce the amount to which each district is
11 entitled under that section.

12 (b) The appropriation made by this section is reduced by any
13 amounts appropriated for that purpose by Sections 3.01 and 3.02 of
14 this article.

15 SECTION 3.04. PUBLIC EDUCATION DEVELOPMENT FUND. For the
16 fiscal year ending August 31, 1991, the sum of \$5 million is
17 transferred from the General Revenue Fund to the public education
18 development fund created under Section 11.271, Education Code, as
19 added by S.B. 1, Acts of the 71st Legislature, 6th Called Session,
20 1990, and all balances accruing to that fund are appropriated to
21 the Central Education Agency for the purposes of that fund.

22 SECTION 3.05. FACILITIES INVENTORY. For the fiscal year
23 ending August 31, 1990, the sum of \$5 million is appropriated from
24 the General Revenue Fund to the Central Education Agency for the
25 purpose of the facilities inventory under Section 16.401, Education
26 Code, and the unexpended balance is appropriated to the agency for

1 the same purpose for the fiscal year ending August 31, 1991.

2 SECTION 3.06. PROFESSIONAL DEVELOPMENT PROGRAMS. For the
3 fiscal year ending August 31, 1991, the sum of \$80,000 is
4 appropriated from the General Revenue Fund to the Central Education
5 Agency for the purpose of funding programs referred to in
6 Subsection (e), Section 13.353, Education Code, as added by S.B. 1,
7 Acts of the 71st Legislature, 6th Called Session, 1990.

8 SECTION 3.07. GENERAL COUNSEL SALARY. In addition to the
9 salary specified by the General Appropriations Act for the exempt
10 position of general counsel of the Central Education Agency, the
11 agency may pay the general counsel up to 10 percent more than the
12 specified salary if the general counsel is certified in a specialty
13 area by the State Bar of Texas that the commissioner of education
14 determines is directly related to the employment duties of the
15 general counsel. The agency shall report any payment under this
16 section to the Legislative Budget Board at the end of each fiscal
17 year in the biennium.

18 ARTICLE IV. APPROPRIATIONS TO

19 OTHER AGENCIES

20 SECTION 4.01. TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL
21 RETARDATION. (a) In addition to amounts previously appropriated
22 for the biennium ending August 31, 1991, the sum of \$13 million is
23 appropriated, for the fiscal year ending August 31, 1991, from the
24 General Revenue Fund to the Texas Department of Mental Health and
25 Mental Retardation for the purpose of complying with the settlement
26 agreements in the RAJ and Lelsz cases, with the intent that it be

1 spent during the first six months of that fiscal year. The Texas
2 Department of Mental Health and Mental Retardation shall seek an
3 emergency appropriation during the regular session of the 72nd
4 Legislature for the purpose of maintaining compliance with court
5 orders and service levels established by this Act and the General
6 Appropriations Act.

7 (b) In addition to amounts previously appropriated for the
8 current fiscal biennium, the sum of \$6.1 million is appropriated to
9 the Texas Department of Mental Health and Mental Retardation from
10 the proceeds of the issuance of bonds previously authorized by the
11 approval of the voters of S.J.R. No. 24, Acts of the 71st
12 Legislature, Regular Session, 1989, for the two-year period
13 beginning on the date the proceeds become available. The funds are
14 to be used for the conversion of open-bay dormitories in state
15 schools as required to meet federal Intermediate Care Facility for
16 Persons with Mental Retardation (ICF-MR) standards and for other
17 court-related construction, repair, and renovation projects in
18 state facilities.

19 (c) Notwithstanding any provision of the General
20 Appropriations Act, the Texas Department of Mental Health and
21 Mental Retardation may transfer, from amounts previously
22 appropriated by Article VII of the General Appropriations Act and
23 allocated by Rider 1., page II-58, of that Act to the department
24 for capital outlay, not more than \$4 million to any other item of
25 appropriation, for the purpose of complying with the RAJ and Lelsz
26 settlement agreements. The unobligated and unexpended balance of

1 any amount transferred under this subsection during fiscal year
2 1990 is reappropriated to the department for fiscal year 1991 for
3 the same purpose for which the amount is transferred.

4 (d) Rider 10., page II-61, General Appropriations Act, is
5 amended to read as follows:

6 10. FEDERAL COLLECTIONS. The Department of Mental Health and
7 Mental Retardation shall implement procedures for maximizing
8 collections under Title XVIII and Title XIX of the Social
9 Security Act and from other third party sources as
10 reimbursement for services. All collections pertaining to
11 reimbursement for services received by the Department after
12 the effective date of this act, excluding per diem medicaid
13 reimbursement for state schools, for services provided prior
14 to September 1, 1989 are hereby appropriated for the fiscal
15 biennium ending August 31, 1991, as follows:

16 a. To the Department to offset the cost of collections.

17 b. To [Fifty--percent--of--all--remaining--collections--shall--be
18 appropriated--to] the department for expansion of community
19 services, compliance with existing settlement agreements,
20 and improvements in the quality of care for individuals
21 served by the department. [The--remaining--fifty--percent
22 shall--be--deposited--to--the--General--Revenue--Fund--]

23 (e) Rider 26., page II-64, General Appropriations Act, is
24 amended to read as follows:

25 26. REVENUE COLLECTIONS. The Texas Department of Mental Health
26 and Mental Retardation is appropriated, for the fiscal

1 biennium ending August 31, 1991, [~~50--percent---~~ef] all
 2 collections under Title XVIII and Title XIX of the Social
 3 Security Act and other third party collections, excluding per
 4 diem Medicaid reimbursement for state schools, that are in
 5 excess of the amounts collected for services rendered in
 6 fiscal year 1989, excluding per diem Medicaid reimbursement
 7 for state schools. It is the intent of the Legislature that
 8 50 percent of these funds be allocated to state facilities
 9 based on each facility's pro rata share of the increased
 10 collections. The remaining 50 percent of these collections
 11 shall be used by the department for compliance with existing
 12 settlement agreements, improvements in the quality of care for
 13 individuals served by the department, or expansion of
 14 community services [~~deposited-in-the--General--Revenue--Fund~~].
 15 The total amount of collections appropriated to the department
 16 may not exceed \$5 million in either year of the biennium. The
 17 department shall provide an annual report to the Legislative
 18 Budget Board and the Governor's Office of Budget and Planning
 19 on revenues and expenditures as a result of this rider
 20 provision.

21 (f) Rider 37., page II-66, General Appropriations Act, is
 22 amended to read as follows:

23 37. AFTERCARE CONTINGENCY APPROPRIATION. In addition to funds
 24 appropriated above and contingent upon TDMHMR's submission of
 25 a plan to the Legislative Budget Board and the Governor for
 26 meeting compliance criteria for aftercare in the RAJ case,

1 once those criteria have been clearly established, [~~and~~
2 ~~contingent-upon-the-LBB's-approval-of-that-plan,~~] \$10 million
3 from the General Revenue Fund is hereby appropriated to
4 TDMHMR, for the fiscal biennium ending August 31, 1991, for
5 providing aftercare services to persons discharged from state
6 mental hospitals.

7 (g) Rider 8., page II-60, General Appropriations Act, is
8 amended to read as follows:

9 8. UNOBLIGATED CONSTRUCTION BALANCES. Any unobligated balances
10 as of August 31, 1989, in appropriations made [~~by~~] for
11 Construction by Senate Bill No. 1, Acts of the Seventieth
12 Legislature, Second Called Session, 1987, or previous acts,
13 are hereby reappropriated for the identical purposes and
14 subject to the same restrictions for the biennium beginning
15 with the effective date [~~data~~] of this Act, except that
16 Legislative Budget Board approval of specific community-based
17 facility projects for persons who have mental retardation and
18 are difficult to place is not required and Section 128,
19 Article V, of this Act does not apply to those projects. Any
20 balances remaining in excess of the requirements of such
21 identical purposes may be allocated by the board for the
22 purpose of emergency repairs and maintenance and life safety
23 code alterations.

24 (h) Before expending any amounts appropriated by this
25 section for the fiscal year ending August 31, 1991, the Texas
26 Department of Mental Health and Mental Retardation shall submit to

1 the governor and the Legislative Budget Board an expenditure plan
2 that projects client services costs and other program costs.
3 During the 30-day period after the date of submission of the plan,
4 the department may not expend any of the appropriations, and the
5 governor or the Legislative Budget Board may disapprove the
6 expenditure of any or all of the amounts. If the department does
7 not receive, within the 30-day period, notice from the governor or
8 the Legislative Budget Board that the expenditure plan has been
9 disapproved, the department may expend the appropriations.

10 SECTION 4.02. TEXAS DEPARTMENT OF HEALTH. (a) In addition
11 to amounts previously appropriated for the biennium ending August
12 31, 1991, the sum of \$10.9 million is appropriated for the fiscal
13 year ending August 31, 1990, from the General Revenue Fund to the
14 Texas Department of Health for the chronically ill and disabled
15 children's services program. The unobligated and unexpended
16 balance of that appropriation is reappropriated, and the additional
17 sum of \$13 million is appropriated from the General Revenue Fund,
18 for the fiscal year ending August 31, 1991, to the department for
19 the same purpose.

20 (b) In order to maximize the use of federal Medicaid funds,
21 the Texas Department of Health shall, to the greatest extent
22 possible, coordinate the claims payment process for the chronically
23 ill and disabled children's services program with the Medicaid
24 payment process used by the Texas Department of Human Services.

25 (c) Before implementing substantive changes in eligibility
26 determination or case management activities under the chronically

1 ill and disabled children's services program, the Texas Department
2 of Health shall submit the proposed changes to the Maternal and
3 Child Health Advisory Committee for review and recommendation to
4 the Texas Board of Health.

5 (d) In addition to the authority otherwise provided by this
6 section, the Texas Department of Health may transfer funds
7 appropriated for the fiscal year ending August 31, 1990, from other
8 line items to the Chronically Ill and Disabled Children's Services
9 program for the purpose of restoring the income eligibility to 200
10 percent of the federal poverty level. The legislature intends that
11 the department maintain the eligibility level at 200 percent for
12 the fiscal year ending August 31, 1991, and the legislature further
13 intends to appropriate, during the regular session of the 72nd
14 Legislature, additional needed amounts to enable the department to
15 achieve this purpose.

16 (e) The department shall submit a monthly report to the
17 Governor's Office of Budget and Planning and the Legislative Budget
18 Office that provides actual and projected expenditures for
19 chronically ill and disabled children's services. The two budget
20 offices shall prescribe the form for reports required by this
21 subsection.

22 (f) Before expending any amounts appropriated by this
23 section for the fiscal year ending August 31, 1991, the Texas
24 Department of Health shall submit to the governor and the
25 Legislative Budget Board an expenditure plan that projects client
26 services costs and other program costs. During the 30-day period

1 after the date of submission of the plan, the department may not
2 expend any of the appropriations, and the governor or the
3 Legislative Budget Board may disapprove the expenditure of any or
4 all of the amounts. If the department does not receive, within the
5 30-day period, notice from the governor or the Legislative Budget
6 Board that the expenditure plan has been disapproved, the
7 department may expend the appropriations.

8 (g) The unobligated and unexpended balances of all
9 appropriations made by the General Appropriations Act to the Texas
10 Department of Health for the fiscal year ending August 31, 1990,
11 that were not otherwise reappropriated by that Act are
12 reappropriated to the department for the fiscal year ending August
13 31, 1991, for the chronically ill and disabled children's and the
14 maternal and child health programs. Before expending any amounts
15 reappropriated by this subsection, the department shall submit a
16 report to the Governor's Office of Budget and Planning and the
17 Legislative Budget Office that provides projected expenditures of
18 the reappropriated amounts for the two programs. The two budget
19 offices shall prescribe the form for the report required by this
20 subsection.

21 (h) The legislature intends that the Texas Department of
22 Health expend the appropriations made by this Act and the General
23 Appropriations Act in a manner that maintains the levels of service
24 for which funds are appropriated by this Act and were originally
25 appropriated by the General Appropriations Act. The legislature
26 further intends to appropriate, during the regular session of the

1 72nd Legislature, additional needed amounts to enable the
2 department to achieve this purpose.

3 (i) Rider 18., page 11-21, General Appropriations Act, is
4 repealed.

5 (j) Notwithstanding any other section of this Act, any
6 unobligated funds appropriated for the fiscal year ending
7 August 31, 1990, by the General Appropriations Act for the purposes
8 of implementing the Omnibus Health Care Rescue Act, Chapter 1027,
9 Acts of the 71st Legislature, Regular Session, 1989, are
10 reappropriated to the Texas Department of Health for the same
11 purposes for the fiscal year ending August 31, 1991.

12 SECTION 4.03. TEXAS DEPARTMENT OF HUMAN SERVICES. (a) In
13 addition to amounts previously appropriated for the biennium ending
14 August 31, 1991, the sum of \$14.4 million is appropriated, for the
15 fiscal year ending August 31, 1990, and the sum of \$45.24 million
16 is appropriated, for the fiscal year ending August 31, 1991, from
17 the General Revenue Fund to the Texas Department of Human Services
18 for the purposes of maintaining service levels established by the
19 71st Legislature, Regular Session, 1989, and of complying with
20 federal requirements enacted since that regular legislative
21 session.

22 (b) In addition to amounts previously appropriated for the
23 biennium ending August 31, 1991, the sum of \$3.5 million is
24 appropriated, for that biennium, from the oil overcharge account in
25 the General Revenue Fund to the Texas Department of Human Services
26 for the purpose of assisting low-income individuals with utility

1 and transportation expenses.

2 (c) The Texas Department of Human Services may transfer
3 appropriations from one item of appropriation to another for
4 purposes of maintaining service levels established by the General
5 Appropriations Act or of complying with federal requirements upon
6 the approval of the Legislative Budget Board. Any transfer made
7 under authority of this subsection must comply with the procedures
8 provided by Rider 37.a., page II-47, General Appropriations Act.

9 (d) Riders 4. and 5., page II-39, General Appropriations
10 Act, are amended to read as follows:

11 4. AFDC PAYMENTS AND UNEXPENDED BALANCES. Funds appropriated for
12 payments for Aid to Families with Dependent Children shall be
13 payable in equal monthly installments on the first day of each
14 calendar month in fiscal year 1990. Before July 15, 1990, the
15 Department of Human Services shall give the Comptroller of
16 Public Accounts and the State Treasurer a statement of
17 estimated cash flow requirements for Children's Assistance
18 funds appropriated for fiscal year 1991. Children's
19 Assistance funds appropriated for fiscal year 1991 are payable
20 according to the statement of estimated cash flow
21 requirements. Any[,-provided,-however,-that-any] balances on
22 hand in these funds may be carried over from month to month
23 during each fiscal year and from fiscal year 1990 to fiscal
24 year 1991 and such funds are reappropriated to the department
25 for the 1990-1991 biennium.

26 5. MEDICAL ASSISTANCE PAYMENTS AND UNEXPENDED BALANCES. Funds

1 appropriated hereinabove out of Medical Assistance funds for
2 all medical programs shall be payable in equal monthly
3 installments on the first day of each calendar month in fiscal
4 year 1990. Before July 15, 1990, the Department of Human
5 Services shall give the Comptroller of Public Accounts and the
6 State Treasurer a statement of estimated cash flow
7 requirements for Medical Assistance funds appropriated for
8 fiscal year 1991. Medical Assistance funds appropriated for
9 fiscal year 1991 are payable according to the statement of
10 estimated cash flow requirements. Any[~~;~~--provided~~;~~--however~~;~~
11 ~~that--any~~] balances on hand in such funds may be carried over
12 from month to month during each fiscal year and from fiscal
13 year 1990 to fiscal year 1991, and such funds are
14 reappropriated to the department for the 1990-1991 biennium.

15 (e) The Texas Department of Human Services shall, not later
16 than September 1, 1990, submit a report on the department's
17 remaining budget shortfall projected for the fiscal year ending
18 August 31, 1991, to the governor and the Legislative Budget Board
19 in a format prescribed by the Legislative Budget Office. The
20 report shall include information on any transfers made between
21 programs or activities for the fiscal year ending August 31, 1991,
22 cost-containment procedures undertaken by the department, and
23 efforts to pursue federal or third-party funding.

24 (f) In addition to the authority otherwise provided by this
25 section, the Texas Department of Human Services, with the prior
26 approval of the governor and Legislative Budget Board, may transfer

1 an amount not to exceed \$16 million from fiscal year 1991
2 appropriations for purchased health services to 1990 appropriations
3 for purchased health services to maintain current levels of
4 service.

5 (g) The legislature intends that the Texas Department of
6 Human Services expend the appropriations made by this Act and the
7 General Appropriations Act in a manner that maintains the levels of
8 service for which funds are appropriated by this Act and were
9 originally appropriated by the General Appropriations Act. The
10 legislature further intends to appropriate, during the regular
11 session of the 72nd Legislature, additional needed amounts to
12 enable the department to achieve this purpose.

13 SECTION 4.04. APPROPRIATION OF STATE LEGALIZATION IMPACT
14 ASSISTANCE GRANTS. Section 102., Article V, pages V-86, 87,
15 General Appropriations Act, is amended to read as follows:

16 Sec. 102. STATE LEGALIZATION IMPACT ASSISTANCE GRANTS.

- 17 1. Federal State Legalization Impact Assistance Grant (SLIAG)
18 funds received by state agencies as reimbursement in fiscal
19 year 1990 and fiscal year 1991 for SLIAG-related
20 administrative costs, costs of providing language and
21 citizenship classes, or costs incurred by local units of
22 government in providing services to eligible legalized aliens
23 are hereby appropriated for the purpose of augmenting existing
24 state appropriations or reimbursing local units of government.
25 Otherwise, federal SLIAG funds received by state agencies in
26 fiscal year 1990 and fiscal year 1991 as reimbursement for

costs incurred in providing services to eligible legalized aliens paid for out of existing program appropriations shall be deposited to the General Revenue Fund, with the following exceptions:

a. SLIAG funds received by the Department of Health in excess of those appropriated to the department by Article II of this Act are appropriated to the department for the biennium for chronically ill and disabled children's services;

b. SLIAG funds received by the Department of Mental Health and Mental Retardation are appropriated to the department for the biennium for compliance with existing settlement agreements, improvements in the quality of care for individuals served by the department, and expansion of community services; and

c. SLIAG funds received by the Department of Human Services are appropriated to the department for the biennium for AFDC-related premiums for the purchased health services program.

2. Agencies receiving State Legalization Impact Assistance Grant (SLIAG) funds during fiscal year 1990 and 1991 shall submit a report at the end of each fiscal year to the Legislative Budget Office, the Governor's Office of Budget and Planning, and the Health and Human Services Coordinating Council detailing the actual amount of SLIAG funds received and the purposes for which the funds were expended.

1 SECTION 4.05. STATE PURCHASING AND GENERAL SERVICES
2 COMMISSION. Rider 41., page I-253, General Appropriations Act, is
3 amended to read as follows:

4 41. CONTINGENCY FOR SENATE BILL NO. 1480. Contingent upon
5 enactment of Senate Bill No. 1480, Acts of the Seventy-first
6 Legislature, Regular Session, or other similar legislation,
7 \$400,000 for fiscal year 1990 from the Capital Trust Fund No.
8 543 is hereby appropriated for the purpose of implementing the
9 provisions of the Act. The unobligated and unexpended balance
10 of that appropriation is reappropriated for fiscal year 1991
11 to the State Purchasing and General Services Commission for
12 the same purpose.

13 SECTION 4.06. BOND REVIEW BOARD. The unobligated and
14 unexpended balances of all appropriations made by the General
15 Appropriations Act to the bond review board for the fiscal year
16 ending August 31, 1990, are reappropriated to the board for the
17 fiscal year ending August 31, 1991, for the purposes for which the
18 appropriations were made by the General Appropriations Act.

19 SECTION 4.07. STATE BOARD OF INSURANCE. The appropriations
20 made by Section 17.15, Chapter 1, Acts of the 71st Legislature, 2nd
21 Called Session, 1989, to the State Board of Insurance for the
22 fiscal year ending August 31, 1990, take effect immediately. The
23 unobligated and unexpended balances of those appropriations are
24 reappropriated to the board for the fiscal year ending August 31,
25 1991, for the same purposes for which they were appropriated by
26 Chapter 1, Acts of the 71st Legislature, 2nd Called Session, 1989.

1 SECTION 4.08. COMPTROLLER OF PUBLIC ACCOUNTS--INDIGENT
2 DEFENSE CLAIMS. The appropriation to the comptroller of public
3 accounts for purposes of Section 403.074, Government Code, made by
4 the General Appropriations Act, page I-77, may also be used for the
5 purpose of paying costs incurred under Article 26.055, Code of
6 Criminal Procedure, for eligible expenses related to outside legal
7 counsel appointed to defend an indigent inmate on whose behalf the
8 appointment occurred before September 1, 1989. The statutory limit
9 on payment of miscellaneous claims imposed by Section 403.074,
10 Government Code, does not apply to the payments authorized by this
11 section.

12 ARTICLE V. MISCELLANEOUS PROVISION

13 SECTION 5.01. EMERGENCY. The importance of this legislation
14 and the crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended,
18 and that this Act take effect and be in force from and after its
19 passage, and it is so enacted.

HOUSE COMMITTEE REPORT

90 JUN -6 AM 1:17

HOUSE OF REPRESENTATIVES

1st Printing

By: Brooks, Caperton

S.B. No. 11

(Rudd)

A BILL TO BE ENTITLED

AN ACT

relating to appropriations for the biennium ending August 31, 1991.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE I. GENERAL PROVISION

SECTION 1.01. DEFINITION. In this Act, "General Appropriations Act" means Chapter 1263, Acts of the 71st Legislature, Regular Session, 1989.

ARTICLE II. REDUCTIONS IN APPROPRIATIONS

SECTION 2.01. BOND DEBT SERVICE. (a) The amount appropriated to the National Research Laboratory Commission by Item 4., page III-53, General Appropriations Act, for bond debt service is reduced by \$11,226,199 for the fiscal biennium ending August 31, 1991.

(b) The amount appropriated to the Texas Public Finance Authority by Item 4., page I-124, General Appropriations Act, for bond debt service is reduced by \$10.2 million for the fiscal biennium ending August 31, 1991.

(c) The amount appropriated to the Texas Public Finance Authority by Item 5., page I-124, General Appropriations Act, for bond debt service is reduced by \$1.4 million for the fiscal biennium ending August 31, 1991.

SECTION 2.02. STATE CONTRIBUTIONS TO GROUP INSURANCE. The amount appropriated to the Employees Retirement System of Texas by Item 2., page I-109, General Appropriations Act, for state contributions to state employees uniform group insurance coverages

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1 for the fiscal year ending August 31, 1991, is reduced by \$11.7
2 million. Rider 6., page I-113, General Appropriations Act,
3 continues to apply to determine the rate of contribution for each
4 full-time active or retired employee.

5 SECTION 2.03. PRISON OPERATION. The total amount
6 appropriated to the Department of Corrections (Texas Department of
7 Criminal Justice) by Item 9., page I-83, General Appropriations
8 Act, for operation of additional capacity is reduced by \$9.7
9 million for the fiscal biennium ending August 31, 1991. The Texas
10 Board of Criminal Justice shall determine and certify to the
11 comptroller of public accounts the source or sources of the
12 reduction from among the subitems in Item 9.

13 SECTION 2.04. GOVERNOR. The total amount appropriated to
14 the Office of the Governor on page I-138, General Appropriations
15 Act, from the General Revenue Fund for the fiscal biennium ending
16 August 31, 1991, is reduced by \$1 million. The governor shall
17 determine and certify to the comptroller of public accounts the
18 source or sources of the reduction from among the General Revenue
19 Fund appropriations.

20 SECTION 2.05. LEGISLATURE. (a) The amount appropriated to
21 the senate by Rider 1., page VI-1, General Appropriations Act, for
22 the fiscal biennium ending August 31, 1991, is reduced by \$500,000.

23 (b) The amount appropriated to the house of representatives
24 by Rider 2., page VI-2, General Appropriations Act, for the fiscal
25 biennium ending August 31, 1991, is reduced by \$1 million.

26 (c) The amount appropriated to the Legislative Budget Board

1 by Rider 6.a., page VI-3, General Appropriations Act, for the
2 fiscal biennium ending August 31, 1991, is reduced by \$500,000.

3 (d) The amount appropriated to the Sunset Advisory
4 Commission by Rider 8.b., page VI-4, General Appropriations Act,
5 for the fiscal biennium ending August 31, 1991, is reduced by
6 \$100,000.

7 (e) The amount appropriated to the Legislative Council by
8 Rider 1., page VI-6, General Appropriations Act, for the purposes
9 for which money is appropriated by Item 1., page VI-5 of that Act,
10 for the fiscal biennium ending August 31, 1991, is reduced by
11 \$500,000.

12 (f) The amount appropriated to the State Auditor's Office by
13 Rider 4., page VI-8, General Appropriations Act, for the fiscal
14 biennium ending August 31, 1991, is reduced by \$500,000.

15 SECTION 2.06. UNIFORM STATEWIDE ACCOUNTING SYSTEM. The
16 amount appropriated to the comptroller of public accounts for
17 allocation to state agencies for implementation of the Uniform
18 Statewide Accounting System on page I-74, General Appropriations
19 Act, is reduced by \$8 million for the fiscal biennium ending
20 August 31, 1991.

21 SECTION 2.07. ADULT PROBATION COMMISSION. (a) The amount
22 allocated to the Adult Probation Commission by Rider 1., Item 1.,
23 page I-234, General Appropriations Act, for capital outlay is
24 reduced by \$3.2 million for the fiscal biennium ending August 31,
25 1991.

26 (b) The amount appropriated by Item 2., page VII-1, General

1 Appropriations Act, for acquisition of computer equipment and
2 software is reduced by \$3.2 million for the fiscal year ending
3 August 31, 1990.

4 SECTION 2.08. SOURCE OF REDUCTIONS. Any reductions in
5 appropriations provided for in this article are from amounts
6 previously appropriated from the General Revenue Fund unless
7 otherwise specified.

8 ARTICLE III. APPROPRIATIONS

9 TO CENTRAL EDUCATION AGENCY

10 SECTION 3.01. BUDGET REDUCTIONS. In addition to amounts
11 previously appropriated for the biennium ending August 31, 1991,
12 all amounts resulting from the reductions in appropriations from
13 the General Revenue Fund provided for in Article II of this Act,
14 estimated to be \$59,526,199, are hereby appropriated to the Central
15 Education Agency for the biennium ending August 31, 1991, for
16 purposes of distribution under the Foundation School Program.

17 SECTION 3.02. ECONOMIC STABILIZATION FUND. In addition to
18 amounts previously appropriated for the biennium ending August 31,
19 1991, all amounts in the economic stabilization fund during the
20 biennium are appropriated for that period to the Central Education
21 Agency for purposes of distribution under the Foundation School
22 Program.

23 SECTION 3.03. GENERAL REVENUE APPROPRIATION. (a) In
24 addition to sums appropriated under Chapters 1263 and 816, Acts of
25 the 71st Legislature, Regular Session, 1989, to the Central
26 Education Agency for the Foundation School Program, the sum of

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1 \$517,920,000 is appropriated to the agency for the fiscal year
2 ending August 31, 1991, from the General Revenue Fund, including
3 any transfers to the foundation school fund, for allocation under
4 the Foundation School Program. Of that amount, \$456,629,020 is a
5 sum certain under Subsection (d), Section 16.254, Education Code,
6 and \$61,290,980 is for purposes of Section 1.21, S.B. 1, Acts of
7 the 71st Legislature, 6th Called Session, 1990. If the amount
8 designated for purposes of Section 1.21, S.B. 1, is insufficient
9 for the purposes of that section, the commissioner of education
10 shall proportionately reduce the amount to which each district is
11 entitled under that section.

12 (b) The appropriation made by this section is reduced by any
13 amounts appropriated for that purpose by Sections 3.01 and 3.02 of
14 this article.

15 SECTION 3.04. PUBLIC EDUCATION DEVELOPMENT FUND. For the
16 fiscal year ending August 31, 1991, the sum of \$5 million is
17 transferred from the General Revenue Fund to the public education
18 development fund created under Section 11.271, Education Code, as
19 added by S.B. 1, Acts of the 71st Legislature, 6th Called Session,
20 1990, and all balances accruing to that fund are appropriated to
21 the Central Education Agency for the purposes of that fund.

22 SECTION 3.05. FACILITIES INVENTORY. For the fiscal year
23 ending August 31, 1990, the sum of \$5 million is appropriated from
24 the General Revenue Fund to the Central Education Agency for the
25 purpose of the facilities inventory under Section 16.401, Education
26 Code, and the unexpended balance is appropriated to the agency for

1 the same purpose for the fiscal year ending August 31, 1991.

2 SECTION 3.06. PROFESSIONAL DEVELOPMENT PROGRAMS. For the
3 fiscal year ending August 31, 1991, the sum of \$80,000 is
4 appropriated from the General Revenue Fund to the Central Education
5 Agency for the purpose of funding programs referred to in
6 Subsection (e), Section 13.353, Education Code, as added by S.B. 1,
7 Acts of the 71st Legislature, 6th Called Session, 1990.

8 SECTION 3.07. GENERAL COUNSEL SALARY. In addition to the
9 salary specified by the General Appropriations Act for the exempt
10 position of general counsel of the Central Education Agency, the
11 agency may pay the general counsel up to 10 percent more than the
12 specified salary if the general counsel is certified in a specialty
13 area by the State Bar of Texas that the commissioner of education
14 determines is directly related to the employment duties of the
15 general counsel. The agency shall report any payment under this
16 section to the Legislative Budget Board at the end of each fiscal
17 year in the biennium.

18 ARTICLE IV. APPROPRIATIONS TO
19 OTHER AGENCIES

20 SECTION 4.01. TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL
21 RETARDATION. (a) In addition to amounts previously appropriated
22 for the biennium ending August 31, 1991, the sum of \$13 million is
23 appropriated, for the fiscal year ending August 31, 1991, from the
24 General Revenue Fund to the Texas Department of Mental Health and
25 Mental Retardation for the purpose of complying with the settlement
26 agreements in the RAJ and Lelsz cases, with the intent that it be

1 spent during the first six months of that fiscal year. The Texas
2 Department of Mental Health and Mental Retardation shall seek an
3 emergency appropriation during the regular session of the 72nd
4 Legislature for the purpose of maintaining compliance with court
5 orders and service levels established by this Act and the General
6 Appropriations Act.

7 (b) In addition to amounts previously appropriated for the
8 current fiscal biennium, the sum of \$6.1 million is appropriated to
9 the Texas Department of Mental Health and Mental Retardation from
10 the proceeds of the issuance of bonds previously authorized by the
11 approval of the voters of S.J.R. No. 24, Acts of the 71st
12 Legislature, Regular Session, 1989, for the two-year period
13 beginning on the date the proceeds become available. The funds are
14 to be used for the conversion of open-bay dormitories in state
15 schools as required to meet federal Intermediate Care Facility for
16 Persons with Mental Retardation (ICF-MR) standards and for other
17 court-related construction, repair, and renovation projects in
18 state facilities.

19 (c) Notwithstanding any provision of the General
20 Appropriations Act, the Texas Department of Mental Health and
21 Mental Retardation may transfer, from amounts previously
22 appropriated by Article VII of the General Appropriations Act and
23 allocated by Rider 1., page II-58, of that Act to the department
24 for capital outlay, not more than \$4 million to any other item of
25 appropriation, for the purpose of complying with the RAJ and Lelsz
26 settlement agreements. The unobligated and unexpended balance of

any amount transferred under this subsection during fiscal year 1990 is reappropriated to the department for fiscal year 1991 for the same purpose for which the amount is transferred.

(d) Rider 10., page II-61, General Appropriations Act, is amended to read as follows:

10. FEDERAL COLLECTIONS. The Department of Mental Health and Mental Retardation shall implement procedures for maximizing collections under Title XVIII and Title XIX of the Social Security Act and from other third party sources as reimbursement for services. All collections pertaining to reimbursement for services received by the Department after the effective date of this act, excluding per diem medicaid reimbursement for state schools, for services provided prior to September 1, 1989 are hereby appropriated for the fiscal biennium ending August 31, 1991, as follows:

a. To the Department to offset the cost of collections.

b. ~~To [Fifty--percent--of--all--remaining--collections--shall--be appropriated--to]~~ the department for expansion of community services, compliance with existing settlement agreements, and improvements in the quality of care for individuals served by the department. ~~[The--remaining--fifty--percent shall--be--deposited--to--the--General--Revenue--Fund.]~~

(e) Rider 26., page II-64, General Appropriations Act, is amended to read as follows:

26. REVENUE COLLECTIONS. The Texas Department of Mental Health and Mental Retardation is appropriated, for the fiscal

1 biennium ending August 31, 1991, [~~50--percent---~~of] all
2 collections under Title XVIII and Title XIX of the Social
3 Security Act and other third party collections, excluding per
4 diem Medicaid reimbursement for state schools, that are in
5 excess of the amounts collected for services rendered in
6 fiscal year 1989, excluding per diem Medicaid reimbursement
7 for state schools. It is the intent of the Legislature that
8 50 percent of these funds be allocated to state facilities
9 based on each facility's pro rata share of the increased
10 collections. The remaining 50 percent of these collections
11 shall be used by the department for compliance with existing
12 settlement agreements, improvements in the quality of care for
13 individuals served by the department, or expansion of
14 community services [~~deposited-in-the--General--Revenue--Fund~~].
15 The total amount of collections appropriated to the department
16 may not exceed \$5 million in either year of the biennium. The
17 department shall provide an annual report to the Legislative
18 Budget Board and the Governor's Office of Budget and Planning
19 on revenues and expenditures as a result of this rider
20 provision.

21 (f) Rider 37., page II-66, General Appropriations Act, is
22 amended to read as follows:

23 37. AFTERCARE CONTINGENCY APPROPRIATION. In addition to funds
24 appropriated above and contingent upon TDMHMR's submission of
25 a plan to the Legislative Budget Board and the Governor for
26 meeting compliance criteria for aftercare in the RAJ case,

once those criteria have been clearly established, [~~and contingent-upon-the-LBB's-approval-of-that-plan,~~] \$10 million from the General Revenue Fund is hereby appropriated to TDMHMR, for the fiscal biennium ending August 31, 1991, for providing aftercare services to persons discharged from state mental hospitals.

(g) Rider 8., page II-60, General Appropriations Act, is amended to read as follows:

8. UNOBLIGATED CONSTRUCTION BALANCES. Any unobligated balances as of August 31, 1989, in appropriations made [~~by~~] for Construction by Senate Bill No. 1, Acts of the Seventieth Legislature, Second Called Session, 1987, or previous acts, are hereby reappropriated for the identical purposes and subject to the same restrictions for the biennium beginning with the effective date [~~data~~] of this Act, except that Legislative Budget Board approval of specific community-based facility projects for persons who have mental retardation and are difficult to place is not required and Section 128, Article V, of this Act does not apply to those projects. Any balances remaining in excess of the requirements of such identical purposes may be allocated by the board for the purpose of emergency repairs and maintenance and life safety code alterations.

(h) Before expending any amounts appropriated by this section for the fiscal year ending August 31, 1991, the Texas Department of Mental Health and Mental Retardation shall submit to

1 the governor and the Legislative Budget Board an expenditure plan
 2 that projects client services costs and other program costs.
 3 During the 30-day period after the date of submission of the plan,
 4 the department may not expend any of the appropriations, and the
 5 governor or the Legislative Budget Board may disapprove the
 6 expenditure of any or all of the amounts. If the department does
 7 not receive, within the 30-day period, notice from the governor or
 8 the Legislative Budget Board that the expenditure plan has been
 9 disapproved, the department may expend the appropriations.

10 SECTION 4.02. TEXAS DEPARTMENT OF HEALTH. (a) In addition
 11 to amounts previously appropriated for the biennium ending August
 12 31, 1991, the sum of \$10.9 million is appropriated for the fiscal
 13 year ending August 31, 1990, from the General Revenue Fund to the
 14 Texas Department of Health for the chronically ill and disabled
 15 children's services program. The unobligated and unexpended
 16 balance of that appropriation is reappropriated, and the additional
 17 sum of \$13 million is appropriated from the General Revenue Fund,
 18 for the fiscal year ending August 31, 1991, to the department for
 19 the same purpose.

20 (b) In order to maximize the use of federal Medicaid funds,
 21 the Texas Department of Health shall, to the greatest extent
 22 possible, coordinate the claims payment process for the chronically
 23 ill and disabled children's services program with the Medicaid
 24 payment process used by the Texas Department of Human Services.

25 (c) Before implementing substantive changes in eligibility
 26 determination or case management activities under the chronically

1 ill and disabled children's services program, the Texas Department
2 of Health shall submit the proposed changes to the Maternal and
3 Child Health Advisory Committee for review and recommendation to
4 the Texas Board of Health.

5 (d) In addition to the authority otherwise provided by this
6 section, the Texas Department of Health may transfer funds
7 appropriated for the fiscal year ending August 31, 1990, from other
8 line items to the Chronically Ill and Disabled Children's Services
9 program for the purpose of restoring the income eligibility to 200
10 percent of the federal poverty level. The legislature intends that
11 the department maintain the eligibility level at 200 percent for
12 the fiscal year ending August 31, 1991, and the legislature further
13 intends to appropriate, during the regular session of the 72nd
14 Legislature, additional needed amounts to enable the department to
15 achieve this purpose.

16 (e) The department shall submit a monthly report to the
17 Governor's Office of Budget and Planning and the Legislative Budget
18 Office that provides actual and projected expenditures for
19 chronically ill and disabled children's services. The two budget
20 offices shall prescribe the form for reports required by this
21 subsection.

22 (f) Before expending any amounts appropriated by this
23 section for the fiscal year ending August 31, 1991, the Texas
24 Department of Health shall submit to the governor and the
25 Legislative Budget Board an expenditure plan that projects client
26 services costs and other program costs. During the 30-day period

1 after the date of submission of the plan, the department may not
 2 expend any of the appropriations, and the governor or the
 3 Legislative Budget Board may disapprove the expenditure of any or
 4 all of the amounts. If the department does not receive, within the
 5 30-day period, notice from the governor or the Legislative Budget
 6 Board that the expenditure plan has been disapproved, the
 7 department may expend the appropriations.

8 (g) The unobligated and unexpended balances of all
 9 appropriations made by the General Appropriations Act to the Texas
 10 Department of Health for the fiscal year ending August 31, 1990,
 11 that were not otherwise reappropriated by that Act are
 12 reappropriated to the department for the fiscal year ending August
 13 31, 1991, for the chronically ill and disabled children's and the
 14 maternal and child health programs. Before expending any amounts
 15 reappropriated by this subsection, the department shall submit a
 16 report to the Governor's Office of Budget and Planning and the
 17 Legislative Budget Office that provides projected expenditures of
 18 the reappropriated amounts for the two programs. The two budget
 19 offices shall prescribe the form for the report required by this
 20 subsection.

21 (h) The legislature intends that the Texas Department of
 22 Health expend the appropriations made by this Act and the General
 23 Appropriations Act in a manner that maintains the levels of service
 24 for which funds are appropriated by this Act and were originally
 25 appropriated by the General Appropriations Act. The legislature
 26 further intends to appropriate, during the regular session of the

1 72nd Legislature, additional needed amounts to enable the
2 department to achieve this purpose.

3 (i) Rider 18., page II-21, General Appropriations Act, is
4 repealed.

5 (j) Notwithstanding any other section of this Act, any
6 unobligated funds appropriated for the fiscal year ending
7 August 31, 1990, by the General Appropriations Act for the purposes
8 of implementing the Omnibus Health Care Rescue Act, Chapter 1027,
9 Acts of the 71st Legislature, Regular Session, 1989, are
10 reappropriated to the Texas Department of Health for the same
11 purposes for the fiscal year ending August 31, 1991.

12 SECTION 4.03. TEXAS DEPARTMENT OF HUMAN SERVICES. (a) In
13 addition to amounts previously appropriated for the biennium ending
14 August 31, 1991, the sum of \$14.4 million is appropriated, for the
15 fiscal year ending August 31, 1990, and the sum of \$45.24 million
16 is appropriated, for the fiscal year ending August 31, 1991, from
17 the General Revenue Fund to the Texas Department of Human Services
18 for the purposes of maintaining service levels established by the
19 71st Legislature, Regular Session, 1989, and of complying with
20 federal requirements enacted since that regular legislative
21 session.

22 (b) In addition to amounts previously appropriated for the
23 biennium ending August 31, 1991, the sum of \$3.5 million is
24 appropriated, for that biennium, from the oil overcharge account in
25 the General Revenue Fund to the Texas Department of Human Services
26 for the purpose of assisting low-income individuals with utility

1 and transportation expenses.

2 (c) The Texas Department of Human Services may transfer
3 appropriations from one item of appropriation to another for
4 purposes of maintaining service levels established by the General
5 Appropriations Act or of complying with federal requirements upon
6 the approval of the Legislative Budget Board. Any transfer made
7 under authority of this subsection must comply with the procedures
8 provided by Rider 37.a., page II-47, General Appropriations Act.

9 (d) Riders 4. and 5., page II-39, General Appropriations
10 Act, are amended to read as follows:

11 4. AFDC PAYMENTS AND UNEXPENDED BALANCES. Funds appropriated for
12 payments for Aid to Families with Dependent Children shall be
13 payable in equal monthly installments on the first day of each
14 calendar month in fiscal year 1990. Before July 15, 1990, the
15 Department of Human Services shall give the Comptroller of
16 Public Accounts and the State Treasurer a statement of
17 estimated cash flow requirements for Children's Assistance
18 funds appropriated for fiscal year 1991. Children's
19 Assistance funds appropriated for fiscal year 1991 are payable
20 according to the statement of estimated cash flow
21 requirements. Any[7-provided, however, that any] balances on
22 hand in these funds may be carried over from month to month
23 during each fiscal year and from fiscal year 1990 to fiscal
24 year 1991 and such funds are reappropriated to the department
25 for the 1990-1991 biennium.

26 5. MEDICAL ASSISTANCE PAYMENTS AND UNEXPENDED BALANCES. Funds

1 appropriated hereinabove out of Medical Assistance funds for
 2 all medical programs shall be payable in equal monthly
 3 installments on the first day of each calendar month in fiscal
 4 year 1990. Before July 15, 1990, the Department of Human
 5 Services shall give the Comptroller of Public Accounts and the
 6 State Treasurer a statement of estimated cash flow
 7 requirements for Medical Assistance funds appropriated for
 8 fiscal year 1991. Medical Assistance funds appropriated for
 9 fiscal year 1991 are payable according to the statement of
 10 estimated cash flow requirements. Any[~~---provided,---however,~~
 11 that--any] balances on hand in such funds may be carried over
 12 from month to month during each fiscal year and from fiscal
 13 year 1990 to fiscal year 1991, and such funds are
 14 reappropriated to the department for the 1990-1991 biennium.

15 (e) The Texas Department of Human Services shall, not later
 16 than September 1, 1990, submit a report on the department's
 17 remaining budget shortfall projected for the fiscal year ending
 18 August 31, 1991, to the governor and the Legislative Budget Board
 19 in a format prescribed by the Legislative Budget Office. The
 20 report shall include information on any transfers made between
 21 programs or activities for the fiscal year ending August 31, 1991,
 22 cost-containment procedures undertaken by the department, and
 23 efforts to pursue federal or third-party funding.

24 (f) In addition to the authority otherwise provided by this
 25 section, the Texas Department of Human Services, with the prior
 26 approval of the governor and Legislative Budget Board, may transfer

1 an amount not to exceed \$16 million from fiscal year 1991
2 appropriations for purchased health services to 1990 appropriations
3 for purchased health services to maintain current levels of
4 service.

5 (g) The legislature intends that the Texas Department of
6 Human Services expend the appropriations made by this Act and the
7 General Appropriations Act in a manner that maintains the levels of
8 service for which funds are appropriated by this Act and were
9 originally appropriated by the General Appropriations Act. The
10 legislature further intends to appropriate, during the regular
11 session of the 72nd Legislature, additional needed amounts to
12 enable the department to achieve this purpose.

13 SECTION 4.04. APPROPRIATION OF STATE LEGALIZATION IMPACT
14 ASSISTANCE GRANTS. Section 102., Article V, pages V-86, 87,
15 General Appropriations Act, is amended to read as follows:

16 Sec. 102. STATE LEGALIZATION IMPACT ASSISTANCE GRANTS.

- 17 1. Federal State Legalization Impact Assistance Grant (SLIAG)
18 funds received by state agencies as reimbursement in fiscal
19 year 1990 and fiscal year 1991 for SLIAG-related
20 administrative costs, costs of providing language and
21 citizenship classes, or costs incurred by local units of
22 government in providing services to eligible legalized aliens
23 are hereby appropriated for the purpose of augmenting existing
24 state appropriations or reimbursing local units of government.
25 Otherwise, federal SLIAG funds received by state agencies in
26 fiscal year 1990 and fiscal year 1991 as reimbursement for

costs incurred in providing services to eligible legalized aliens paid for out of existing program appropriations shall be deposited to the General Revenue Fund, with the following exceptions:

a. SLIAG funds received by the Department of Health in excess of those appropriated to the department by Article II of this Act are appropriated to the department for the biennium for chronically ill and disabled children's services;

b. SLIAG funds received by the Department of Mental Health and Mental Retardation are appropriated to the department for the biennium for compliance with existing settlement agreements, improvements in the quality of care for individuals served by the department, and expansion of community services; and

c. SLIAG funds received by the Department of Human Services are appropriated to the department for the biennium for AFDC-related premiums for the purchased health services program.

2. Agencies receiving State Legalization Impact Assistance Grant (SLIAG) funds during fiscal year 1990 and 1991 shall submit a report at the end of each fiscal year to the Legislative Budget Office, the Governor's Office of Budget and Planning, and the Health and Human Services Coordinating Council detailing the actual amount of SLIAG funds received and the purposes for which the funds were expended.

1 SECTION 4.05. STATE PURCHASING AND GENERAL SERVICES
2 COMMISSION. Rider 41., page I-253, General Appropriations Act, is
3 amended to read as follows:

4 41. CONTINGENCY FOR SENATE BILL NO. 1480. Contingent upon
5 enactment of Senate Bill No. 1480, Acts of the Seventy-first
6 Legislature, Regular Session, or other similar legislation,
7 \$400,000 for fiscal year 1990 from the Capital Trust Fund No.
8 543 is hereby appropriated for the purpose of implementing the
9 provisions of the Act. The unobligated and unexpended balance
10 of that appropriation is reappropriated for fiscal year 1991
11 to the State Purchasing and General Services Commission for
12 the same purpose.

13 SECTION 4.06. BOND REVIEW BOARD. The unobligated and
14 unexpended balances of all appropriations made by the General
15 Appropriations Act to the bond review board for the fiscal year
16 ending August 31, 1990, are reappropriated to the board for the
17 fiscal year ending August 31, 1991, for the purposes for which the
18 appropriations were made by the General Appropriations Act.

19 SECTION 4.07. STATE BOARD OF INSURANCE. The appropriations
20 made by Section 17.15, Chapter 1, Acts of the 71st Legislature, 2nd
21 Called Session, 1989, to the State Board of Insurance for the
22 fiscal year ending August 31, 1990, take effect immediately. The
23 unobligated and unexpended balances of those appropriations are
24 reappropriated to the board for the fiscal year ending August 31,
25 1991, for the same purposes for which they were appropriated by
26 Chapter 1, Acts of the 71st Legislature, 2nd Called Session, 1989.

1 SECTION 4.08. COMPTROLLER OF PUBLIC ACCOUNTS--INDIGENT
2 DEFENSE CLAIMS. The appropriation to the comptroller of public
3 accounts for purposes of Section 403.074, Government Code, made by
4 the General Appropriations Act, page I-77, may also be used for the
5 purpose of paying costs incurred under Article 26.055, Code of
6 Criminal Procedure, for eligible expenses related to outside legal
7 counsel appointed to defend an indigent inmate on whose behalf the
8 appointment occurred before September 1, 1989. The statutory limit
9 on payment of miscellaneous claims imposed by Section 403.074,
10 Government Code, does not apply to the payments authorized by this
11 section.

12 ARTICLE V. MISCELLANEOUS PROVISION

13 SECTION 5.01. EMERGENCY. The importance of this legislation
14 and the crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended,
18 and that this Act take effect and be in force from and after its
19 passage, and it is so enacted.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

6/5/90
(date)

Sir:

We, your COMMITTEE ON STATE AFFAIRS,

to whom was referred SB 11 have had the same under consideration and beg to report
(measure)
back with the recommendation that it

(X) do pass, without amendment.
() do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes () no An actuarial analysis was requested. () yes (X) no

An author's fiscal statement was requested. () yes (X) no

A criminal justice policy impact statement was prepared. () yes (X) no

A water development policy impact statement was requested. () yes (X) no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the () Local, () Consent, or () Resolutions Calendar.

This measure (X) proposes new law. (X) amends existing law.

House Sponsor of Senate Measure Rudd

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Laney, Ch.	X			
Guerrero, V.C.	X			
Tallas, C.B.O.	X			
Cain	X			
Gibson	X			
Harrison	X			
Hilbert				X
Hury	X			
Jones	X			
Oakley	X			
Perez	X			
Saunders				X
Smith, T.	X			

Total
11 aye
0 nay
0 present, not voting
2 absent

Pete Laney
CHAIRMAN
Robert K. McCale
COMMITTEE COORDINATOR

BILL ANALYSIS

S.B. 11
By Brooks, Caperton
(Rudd)

Committee on
State Affairs

BACKGROUND

As a result of the Supreme Court ruling relating to the Edgewood v. Kirby lawsuit, the Texas Legislature has been meeting in a series of special sessions in an attempt to find a solution to the education funding problem.

Additionally, the Department of Mental Health and Mental Retardation, (TDMHMR), the Department of Health, (TDH), and the Department of Human Services, (DHS), have reported budget shortfalls for the biennium ending August 31, 1991.

PURPOSE

As proposed, S.B. 11 appropriates funds to the Central Education Agency for the purpose of financing measures contained in S.B.1. S.B. 11 also provides funding to address the respective shortfalls in TDMHMR, TDH, and DHS.

SECTION-BY-SECTION ANALYSIS

ARTICLE I

SECTION 1.01

Defines "General Appropriations Act" as it is used in the bill.

ARTICLE II

SECTION 2.01

(a) Reduces the appropriation to the National Research Laboratory Commission by \$11,226,199 million for the fiscal biennium ending August 31, 1991.

(b) Reduces the appropriation in Item 4., page I - 124, to the Texas Public Finance Authority, by \$ 10.2 million for the fiscal biennium ending August 31, 1991.

(c) Reduces the appropriation in Item 5., page I - 124, to the Texas Public Finance Authority by Item 5, page I-124, by \$ 1.4 million for the fiscal biennium ending August 31, 1991.

SECTION 2.02

Reduces the amount appropriated to the Employees Retirement System of Texas in Item 2, page I-109, for the fiscal year ending August 31, 1991, by \$ 11.7 million dollars. Rider 6 page I-113 still applies.

SECTION 2.03

Reduces the total amount appropriated to TDC in Item 9, page I-83, for the fiscal biennium ending August 31, 1991 by \$ 9.7 million dollars. Board of Criminal Justice shall determine and certify to Comptroller the source or sources of the reduction from among sub-items in Item 9.

SECTION 2.04

Reduces amount appropriated to the Office of the Governor for fiscal biennium ending August 31, 1991 by \$ 1 million dollars.

SECTION 2.05

(a) Reduces the amount appropriated to the Senate for fiscal biennium ending August 31, 1991 by \$500,000 dollars.

(b) Reduces the amount appropriated to the House of Representatives for the fiscal biennium ending August 31, 1991 by \$ 1 million dollars.

(c) Reduces the amount appropriated to the Legislative Budget Board for fiscal biennium ending August 31, 1991 by \$500,000 dollars.

(d) Reduces the amount appropriated to the Sunset Advisory Commission for fiscal biennium ending August 31, 1991 by \$100,000 dollars.

(e) Reduces the amount appropriated to the Legislative Council for fiscal biennium ending August 31, 1991 by \$500,000 dollars.

(f) Reduces the amount appropriated to the State Auditor's Office for fiscal biennium ending August 31, 1991 by \$500,000 dollars.

SECTION 2.06

Reduces the amount appropriated to the Comptroller for the biennium ending August 31, 1991 for the purpose of implementing USAS, by \$ 8 million.

SECTION 2.07

(a) Reduces the amount allocated to the Adult Probation Commission, for capital outlay in the fiscal biennium ending August 31, 1991, by \$ 3.2 million.

(b) Reduces the amount appropriated to the Adult Probation Commission, for acquisition of computer equipment and software in fiscal year 1990, by \$3.2 million.

SECTION 2.08

Specifies that any reductions in appropriations provided for in this Act are from amounts previously appropriated from general revenue unless otherwise specified.

ARTICLE III

SECTION 3.01

Appropriates an estimated \$59,526,199 million from reductions in appropriations provided in Article II of this Act to the Central Education Agency for the biennium ending August 31, 1991, for distribution under the Foundation School Program.

SECTION 3.02

Appropriates all amounts in the economic stabilization fund during the biennium ending August 1991, to the Central Education Agency for distribution under the Foundation School Program.

SECTION 3.03

(a) Appropriates \$517,920,000 to the Foundation School Fund, and includes \$61,290,980 in transition aid.

(b) Reduces this appropriation by any amounts appropriated for that purpose by Sections 3.01 and 3.02 of this article.

SECTION 3.04

Appropriates \$5,000,000 to the Public Education Development Fund.

SECTION 3.05

Appropriates \$5,000,000 for facilities inventory and includes unexpended balance authority.

SECTION 3.06

Appropriates \$80,000 for Professional Development Programs.

SECTION 3.07

Allows for up to a 10% increase in the specified salary of the general counsel of the Central Education Agency if the general counsel is certified in a specialty area related to employment duties.

ARTICLE IV

SECTION 4.01

(a) Appropriates \$13 million from general revenue fund to TDMHMR for the fiscal year ending August 31, 1991, for the purpose of complying with the Lelsz and RAJ settlement agreements to be spent during the first six months of that fiscal year. Directs TDMHMR to seek an emergency appropriations during the 72nd regular session for maintaining compliance with the court agreements.

(b) Appropriates \$ 6.1 million for current fiscal biennium to TDMHMR from the proceeds of bonds authorized by S.J.R. No. 24, 71st Legislature, Regular Session, 1989 for the two-year period beginning the date proceed are available. Funds are to be used to comply with new federal Intermediate Care Facility for Persons with Mental Retardation (ICF-MR) standards and other court-related projects.

(c) Allows TDMHMR to transfer \$4 million dollars of general revenue funds designated for capital outlay for the purpose of complying with the court settlement agreement.

(d) Changes rider 10, page II-61 of the General Appropriations Act to allow the Department to keep the **remaining** 50% of the federal collections as described in the rider for the fiscal year 1991 for expansion of community services, compliance with settlement agreements and improvements in the quality of care.

(e) Changes rider 26, page II-64, General Appropriations Act to allow the Department allocate 50% of the funds collected to state facilities based on pro rata share of increased collections and the remaining 50% be used for compliance with existing settlement agreements, improvement in quality of care or expansion of community services.

(f) Changes rider 37, page II-66, General Appropriations Act, allows TDMHMR to access (for fiscal biennium ending August 31, 1991) the \$10 million

appropriated to the Department for providing aftercare services after submission of a plan to the LBB and the Governor. Removes the requirement that the funding be contingent on the LBB 's approval of that plan.

(g) Changes rider 8, page II-60, General Appropriations Act to allow TDMHMR to access the unobligated construction balances described in Rider 8 without LBB approval and Section 128, Article V, (Budget Execution Authority), does not apply.

(h) Before expending amounts appropriated in this section for fiscal year 1991, TDMHMR must submit an expenditure plan to the Governor and the LBB. The Governor and the LBB have 30 days to disapprove.

SECTION 4.02

(a) Appropriates \$10.9 million for the fiscal year 1990 from general revenue to the Department of Health for the Chronically Ill and Disabled Children's Program. Reappropriates any unexpended balances. Additional sum of \$13 million is appropriate for fiscal year 1991 for the same purpose.

(b) Requires TDH to coordinate the CIDC claims payment process with the Medicaid payment process at the Department of Human Services.

(c) Requires any substantive changes in CIDC eligibility or case management activities to be submitted to the Maternal and Child Health Advisory Committee for review and recommends to the Board.

(d) Allows TDH to transfer fiscal year 1990 funds from other line items to CIDC to restore the CIDC income eligibility level to 200% of poverty. Indicates legislative intent to maintain eligibility level at 200% for fiscal year 1991, and will appropriate additional funding as needed in the next regular session if funds are available.

(e) Requires TDH to submit a monthly report to the Governor's Budget Office and the Legislative Budget Office with actual and projected expenditures for CIDC.

(f) Requires TDH to submit an expenditure plan that projects client and program costs to the Governor and the LBB, before expending any fiscal year 1991 appropriated funds. Gives the Governor and LBB 30 days to disapprove the plan.

(g) Reappropriates unobligated and unexpended balances of all appropriations to TDH in fiscal year 1990 to CIDC and maternal and child health programs in fiscal year 1991. TDH must submit a report to Governor's Office of Budget and Planning and the LBB containing projected expenditures.

(h) Directs TDH to expend funding to maintain levels of services funded by this Act and the General Appropriations Act. Indicates intent to appropriate additional needed amounts during the regular session of the 72nd Legislature.

(i) Repeals TDH Rider 18 which prohibits use of any funds above the fiscal year 1989 budget level for administrative purposes in the CIDC program. Allows the CIDC program to begin implementing management improvements recommended by the State Auditor's Office.

SECTION 4.03

(a) Appropriates the sum of \$14.4 million to DHS for fiscal year 1990, and the sum of \$ 45.24 million, for fiscal

year 1991, from general revenue to maintain service levels established by the 71st legislature and to comply with new federal regulations.

(b) Appropriates \$3.5 million dollars for biennium ending August, 31 1991 from the oil overcharge account in the general revenue fund to assist low-income individuals with utility and transportation expenses.

(c) Allows DHS to transfer appropriations from one item to another for the purpose of maintaining levels of service establish by the 71st Legislature upon approval of the LBB. Any transfer must comply with Rider 37 (a). (Notice of transfer requirement.)

(d) Amends riders 4 and 5 as follows:

Amends Rider 4 to require that DHS provide a statement of estimated cash flow requirements for the Children's Assistance funds for fiscal year 1991 to the Comptroller of Public Accounts and the State Treasurer before July 15, 1990.

Amends Rider 5 to require that DHS provide a statement of estimated cash flow requirements for Medical Assistance Funds for fiscal year 1991 to the Comptroller of Public Accounts and the State Treasurer before July 15, 1990.

(e) Requires DHS to submit a report on the Department's remaining budget shortfall projected for fiscal year 1991, no later that September 1, 1990, to the Governor, and the LBB. The report shall include information on transfers made between programs and activities for FY 1991, cost-containment procedures, and efforts to pursue federal funds, or third-party funding.

(f) Allows DHS to transfer not more than \$ 16 million from fiscal year 1991 appropriations for purchased health services to 1990 appropriations for purchased health services, with prior approval from Governor's Office and LBB.

(g) Directs DHS to expend appropriations to maintain levels of service. Indicates legislative intent to appropriate additional funding during the regular session of the 72nd Legislature.

SECTION 4.04

1. Changes Section 102, Article V relating to SLIAG by allowing:

(a) SLIAG funds received by TDH in excess of those appropriated to the Department by Article II of this Act are appropriated to the Department for the CIDC program.

(b) SLIAG funds received by TDMHMR are appropriated to the Department for compliance with existing settlement agreement, improving quality of care and expanding community services.

(c) SLIAG funds received by DHS are appropriated to the Department for AFDC-related premiums for the purchased health services programs.

2. Requires agencies receiving SLIAG money during fiscal year 1990 and 1991 to submit a report at the end of each fiscal year to the LBB, the Governor's Office of Budget and Planning, and the Health and Human Services Coordinating Council detailing the actual amount of SLIAG funds and the purposes for which the funds were expended.

SECTION 4.05

Contingent upon enactment of S.B. 1480, relating to the use of state-owned building for childcare, amends Rider 41., page I-253, to allow reappropriation of the unobligated and unexpended balance in fiscal year 1990 to fiscal year 1991.

SECTION 4.06

Gives the Bond Review Board unexpended balance authority from fiscal year 1990 to fiscal year 1991 for the same purpose.

SECTION 4.07

Gives immediate effect to appropriations made to the State Board of Insurance by Sec. 17.15, Chapter 1, Acts of 71st Legislature, 2nd called session. Reappropriates unexpended and unobligated balances for fiscal year 1991 for same purpose.

SECTION 4.08

Allows appropriation made to Comptroller's Office for Sec. 403.074, Gov. Code to be used for costs incurred under Art. 26.055. Code of Criminal Procedure, related to Indigent Defense Claims.

ARTICLE V

SECTION 5.01

Emergency Clause.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not delegate rulemaking authority to a state officer, agency, department, or institution.

SUMMARY OF COMMITTEE ACTION

On June 5, 1990 in a formal meeting called in accordance with the rules of the House, the committee on State Affairs voted to report SB 11 to the full House with the recommendation that it do pass and without amendment by the following record vote: 11 Ayes, 0 Nays, 0 PNV, and 2 Absent.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

June 5, 1990

TO: Honorable James E. "Pete" Laney, IN RE: Senate Bill No. 11,
Chair as engrossed
Committee on State Affairs Sixth Called Session
House of Representatives By: Brooks, Caperton
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 11, as engrossed, Sixth Called Session (relating to appropriations for the biennium ending August 31, 1991) this office has determined the following:

The bill would appropriate a total of \$528,000,000 to the Central Education Agency. Of the amount appropriated to the Central Education Agency, an amount estimated to be \$42,440,000 would result from the appropriation of all amounts in the Economic Stabilization Fund during the 1990-91 biennium. The remainder would be appropriated from the General Revenue Fund.

The bill would appropriate an estimated \$25,300,000 in fiscal year 1990 and \$71,240,000 in fiscal year 1991 from the General Revenue Fund and would reappropriate fiscal year 1990 balances for various health and human service agencies of state government. In addition, \$6,100,000 would be appropriated to the Department of Mental Health and Mental Retardation (TDMHMR) from bond proceeds for the two-year period beginning on the date the proceeds become available and an estimated \$3,460,000 would be appropriated to TDMHMR from federal receipts that would otherwise have been deposited to the General Revenue Fund. In addition, the bill would appropriate \$3.5 million in oil overcharge receipts to the Department of Human Services to be used to assist low-income individuals with utility and transportation expenses.

The bill reduce the following appropriations from the General Revenue Fund for the 1990-91 biennium in the amounts indicated below:

- the appropriation to the National Research Laboratory Commission for debt service by \$11,226,199;
- certain appropriations to the Texas Public Finance Authority for bond debt service by \$11,600,000;
- the appropriation to the Employee Retirement System for the state contribution to state employee uniform group insurance by \$11,700,000;
- appropriations to the Department of Corrections for operation of additional capacity by \$9,700,000.
- appropriations to the Office of the Governor by \$1,000,000;
- appropriations to the Senate by \$500,000;
- appropriations to the House of Representatives by \$1,000,000;
- appropriations to the Legislative Budget Board by \$500,000;
- appropriations to the Sunset Advisory Commission by \$100,000;
- appropriations to the Legislative Council by \$500,000;
- appropriations to the State Auditor's Office by \$500,000.
- appropriation to the Adult Probation Commission by \$3,200,000; and
- appropriations to the Comptroller of Public Accounts for the Uniform Statewide Accounting System by \$8,000,000.

The bill would appropriate the following amounts out of the General Revenue Fund to the Texas Education Agency (TEA):

- \$517,000,000 in fiscal year 1991 for the Foundation School Program (FSP);
- \$5,000,000 in fiscal year 1990 for a school facilities inventory;
- An unspecified amount in fiscal year 1991 for management and leadership training for school administrators; and
- \$5,000,000 in fiscal year 1991 for the purposes of the Public Education Development Fund as created by Senate Bill 1, Sixth Called Session.

The appropriation made to the Foundation School Program would be reduced by amounts appropriated through budget reductions and balances in the Economic Stabilization Fund.

The bill would allow TEA to pay the General Counsel up to ten percent above the level currently provided for this exempt position.

The bill would appropriate \$13,000,000 from the General Revenue Fund for fiscal year 1991 to (TDMHMR) for the purpose of complying with the settlement agreements in the RAJ and Lelsz cases. The bill would authorize the department to transfer not more than \$4,000,000 in funds appropriated for capital outlay to any other item of appropriation to comply with the two settlement agreements. The bill would also appropriate to the department certain federal and other third party receipts which would otherwise be deposited in the General Revenue Fund. The amount of such receipts for TDMHMR is estimated to be \$3,460,000 for the 1990-91 biennium. In addition, the bill would remove certain prior approval requirements on the expenditure of funds appropriated to the department in the General Appropriations Act.

The bill would appropriate \$6,100,000 to the Department of Mental Health and Mental Retardation from the proceeds of the issuance of general obligation bonds authorized under Article III, Section 49-h of the Texas Constitution, for the two-year period beginning on the date the proceeds become available for construction, repair and renovation projects.

The bill would appropriate \$10,900,000 for fiscal year 1990 and \$13,000,000 for fiscal year 1991 from the General Revenue Fund to the Texas Department of Health to be used for Chronically Ill and Disabled Children's Services (CIDC).

The bill would appropriate \$14,400,000 in fiscal year 1990 and \$45,240,000 in fiscal year 1991 from the General Revenue Fund to the Department of Human Services to be used to maintain service levels established by the Seventy-first Legislature, Regular Session, and to comply with federal requirements enacted subsequently. In addition, the bill would appropriate \$3.5 million in oil overcharge receipts to the Department of Human Services to be used to assist low-income individuals with utility and transportation expenses. The bill would also authorize the department, with prior approval of the Governor and the Legislative Budget Board, to transfer from fiscal year 1991 to fiscal year 1990 \$16 million for purchased health services.

The bill would amend several riders in the General Appropriations Act to provide the Department of Human Services with greater transferability in order to reduce the amount of deficit in other items of appropriations.

The bill would also appropriate State Legalization Impact Assistance Grants (SLIAG) to each of the three departments to be used for specified services. These funds were not included in the Comptroller's certification of the General Appropriations Bill due to the uncertainty of the amount of federal funds available for the State Legalization Impact Assistance Grant program and the timing of federal reimbursements for services provided by the agencies. SLIAG funds received by the Texas Department of Health, TDMHMR, and the Department of Human Services are estimated to be \$14.8 million for the 1990-91 biennium.

The bill would reappropriate for fiscal year 1991 any unexpended balances from a \$400,000 appropriation for fiscal year 1990 made to the State Purchasing and General Services Commission from the Capital Trust Fund No. 543 for the purpose of establishing in the capital complex area a child care center for state employees.

The funds appropriated by the bill for the Department of Mental Health and Mental Retardation, the Department of Health and the Department of Human Services would be used for recurring operating expenses and would therefore raise the base level of appropriations in fiscal years 1992 through 1994 and subsequent years, if continued by the Legislature.

No fiscal implication to units of local government is anticipated.

The bill would change the timing of appropriations made to the Bond Review Board and the Board of Insurance within the 1990-91 biennium.

The bill would allow the appropriation to the Comptroller of Public Accounts for miscellaneous claims to be used for eligible expenses for outside legal council appointed before September 1, 1989 to defend indigent inmates. These payments would be exempted from the statutory limit on payment of miscellaneous claims.

It is estimated that a minimum of \$2.5 million will be available from other line items for transfer to the Chronically Ill and Disabled Children's Services program from FY 1990 funds. It is further estimated that the cost of restoring the income eligibility level to 200 percent in fiscal year 1990 is \$1.0 million.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: LBB Staff: JO, JWH, AL, JOB, GR, DG, CD, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

June 4, 1990

TO: Honorable Kent A. Caperton, Chairman IN RE: Committee Substitute for
Committee on Finance Senate Bill No. 11,
Senate Chamber Sixth Called Session
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 11, Sixth Called Session (relating to appropriations for the biennium ending August 31, 1991) this office has determined the following:

The bill would appropriate a total of \$528,000,000 to the Central Education Agency. Of the amount appropriated to the Central Education Agency, an amount estimated to be \$42,440,000 would result from the appropriation of all amounts in the Economic Stabilization Fund during the 1990-91 biennium. The remainder would be appropriated from the General Revenue Fund.

The bill would appropriate an estimated \$25,300,000 in fiscal year 1990 and \$71,240,000 in fiscal year 1991 from the General Revenue Fund and would reappropriate fiscal year 1990 balances for various health and human service agencies of state government. In addition, \$6,100,000 would be appropriated to the Department of Mental Health and Mental Retardation (TDMHMR) from bond proceeds for the two-year period beginning on the date the proceeds become available and an estimated \$3,460,000 would be appropriated to TDMHMR from federal receipts that would otherwise have been deposited to the General Revenue Fund. In addition, the bill would appropriate \$3.5 million in oil overcharge receipts to the Department of Human Services to be used to assist low-income individuals with utility and transportation expenses.

The bill reduce the following appropriations from the General Revenue Fund for the 1990-91 biennium in the amounts indicated below:

- the appropriation to the National Research Laboratory Commission for debt service by \$9,800,000;
- certain appropriations to the Texas Public Finance Authority for bond debt service by \$11,600,000;
- the appropriation to the Employee Retirement System for the state contribution to state employee uniform group insurance by \$11,700,000;
- appropriations to the Department of Corrections for operation of additional capacity by \$9,700,000.
- appropriations to the Office of the Governor by \$1,000,000;
- appropriations to the Senate by \$500,000;
- appropriations to the House of Representatives by \$1,000,000;
- appropriations to the Legislative Budget Board by \$500,000;
- appropriations to the Sunset Advisory Commission by \$100,000;
- appropriations to the Legislative Council by \$500,000;
- appropriations to the State Auditor's Office by \$500,000.
- appropriation to the Adult Probation Commission by \$3,200,000; and
- appropriations to the Comptroller of Public Accounts for the Uniform Statewide Accounting System by \$8,000,000.

The bill would appropriate the following amounts out of the General Revenue Fund to the Texas Education Agency (TEA):

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- \$5,000,000 in fiscal year 1990 for a school facilities inventory;
- An unspecified amount in fiscal year 1991 for management and leadership training for school administrators; and
- \$5,000,000 in fiscal year 1991 for the purposes of the Public Education Development Fund as created by Senate Bill 1, Sixth Called Session.

The appropriation made to the Foundation School Program would be reduced by amounts appropriated through budget reductions and balances in the Economic Stabilization Fund.

The bill would allow TEA to pay the General Counsel up to ten percent above the level currently provided for this exempt position.

The bill would appropriate \$13,000,000 from the General Revenue Fund for fiscal year 1991 to (TDMHMR) for the purpose of complying with the settlement agreements in the RAJ and Lelsz cases. The bill would authorize the department to transfer not more than \$4,000,000 in funds appropriated for capital outlay to any other item of appropriation to comply with the two settlement agreements. The bill would also appropriate to the department certain federal and other third party receipts which would otherwise be deposited in the General Revenue Fund. The amount of such receipts for TDMHMR is estimated to be \$3,460,000 for the 1990-91 biennium. In addition, the bill would remove certain prior approval requirements on the expenditure of funds appropriated to the department in the General Appropriations Act.

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The bill would appropriate \$10,900,000 for fiscal year 1990 and \$13,000,000 for fiscal year 1991 from the General Revenue Fund to the Texas Department of Health to be used for Chronically Ill and Disabled Children's Services (CIDC).

The bill would appropriate \$14,400,000 in fiscal year 1990 and \$45,240,000 in fiscal year 1991 from the General Revenue Fund to the Department of Human Services to be used to maintain service levels established by the Seventy-first Legislature, Regular Session, and to comply with federal requirements enacted subsequently. In addition, the bill would appropriate \$3.5 million in oil overcharge receipts to the Department of Human Services to be used to assist low-income individuals with utility and transportation expenses. The bill would also authorize the department, with prior approval of the Governor and the Legislative Budget Board, to transfer from fiscal year 1991 to fiscal year 1990 \$16 million for purchased health services.

The bill would amend several riders in the General Appropriations Act to provide the Department of Human Services with greater transferability in order to reduce the amount of deficit in other items of appropriations.

The bill would also appropriate State Legalization Impact Assistance Grants (SLIAG) to each of the three departments to be used for specified services. These funds were not included in the Comptroller's certification of the General Appropriations Bill due to the uncertainty of the amount of federal funds available for the State Legalization Impact Assistance Grant program and the timing of federal reimbursements for services provided by the agencies. SLIAG funds received by the Texas Department of Health, TDMHMR, and the Department of Human Services are estimated to be \$14.8 million for the 1990-91 biennium.

The bill would reappropriate for fiscal year 1991 any unexpended balances from a \$400,000 appropriation for fiscal year 1990 made to the State Purchasing and General Services Commission from the Capital Trust Fund No. 543 for the purpose of establishing in the capital complex area a child care center for state employees.

The funds appropriated by the bill for the Department of Mental Health and Mental Retardation, the Department of Health and the Department of Human Services would be used for recurring operating expenses and would therefore raise the base level of appropriations in fiscal years 1992 through 1994 and subsequent years, if continued by the Legislature.

No fiscal implication to units of local government is anticipated.

The bill would change the timing of appropriations made to the Bond Review Board and the Board of Insurance within the 1990-91 biennium.

Source: LBB Staff: JO, JWH, AL, JOB, GR, DG, CD, CKM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

June 4, 1990

TO: Honorable Kent A. Caperton, Chairman IN RE: Senate Bill No. 11,
Committee on Finance Sixth Called Session
Senate Chamber By: Brooks, Caperton
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 11, Sixth Called Session (relating to appropriations for the biennium ending August 31, 1991) this office has determined the following:

The bill would appropriate a total of \$527,000,000 to the Central Education Agency. In addition, an unspecified amount would be appropriated to the Central Education Agency for the purpose of funding professional development programs. Of the amount appropriated to the Central Education Agency, an amount estimated to be \$42,440,000 would result from the appropriation of all amounts in the Economic Stabilization Fund during the 1990-91 biennium. The remainder would be appropriated from the General Revenue Fund.

The bill would also make additional appropriations to the Department of Human Services, the Department of Health and the Department of Mental Health and Mental Retardation. The total amounts of the appropriations to these agencies are not specified in the bill as introduced.

The bill reduce the following appropriations from the General Revenue Fund for the 1990-91 biennium in the amounts indicated below:

- the appropriation to the National Research Laboratory Commission for debt service by \$9,800,000;
- certain appropriations to the Texas Public Finance Authority for bond debt service by \$11,600,000;
- the appropriation to the Employee Retirement System for the state contribution to state employee uniform group insurance by \$11,700,000;
- appropriations to the Department of Corrections for operation of additional capacity by \$9,700,000.
- appropriations to the Office of the Governor by \$1,000,000;
- appropriations to the Senate by \$500,000;
- appropriations to the House of Representatives by \$1,000,000;
- appropriations to the Legislative Budget Board by \$500,000;
- appropriations to the Sunset Advisory Commission by \$100,000;
- appropriations to the Legislative Council by \$500,000;
- appropriations to the State Auditor's Office by \$500,000.
- appropriation to the Adult Probation Commission by \$3,200,000; and
- appropriations to the Comptroller of Public Accounts for the Uniform Statewide Accounting System by \$8,000,000.

The bill would appropriate the following amounts out of the General Revenue Fund to the Texas Education Agency (TEA):

- \$517,000,000 in fiscal year 1991 for the Foundation School Program (FSP);
- \$5,000,000 in fiscal year 1990 for a school facilities inventory;
- An unspecified amount in fiscal year 1991 for management and leadership training for school administrators; and
- \$5,000,000 in fiscal year 1991 for the purposes of the Public Education Development Fund as created by Senate Bill 1, Sixth Called Session.

The appropriation made to the Foundation School Program would be reduced by amounts appropriated through budget reductions and balances in the Economic Stabilization Fund.

The bill would allow TEA to pay the General Counsel up to ten percent above the level currently provided for this exempt position.

The bill would appropriate an unspecified amount from the General Revenue Fund for fiscal year 1991 to the Texas Department of Mental Health and Mental Retardation (TDMHMR) for the purpose of complying with the settlement agreements in the RAJ and Lelsz cases. The bill would authorize the department to transfer not more than \$4,000,000 in funds appropriated for capital outlay to any other item of appropriation to comply with the two settlement agreements. The bill would also appropriate to the department certain federal and other third party receipts which would otherwise be deposited in the General Revenue Fund. The amount of such receipts for TDMHMR is estimated to be \$3,460,000 for the 1990-91 biennium. In addition, the bill would remove certain prior approval requirements on the expenditure of funds appropriated to the department in the General Appropriations Act.

The bill would appropriate \$6,100,000 to the Department of Mental Health and Mental Retardation from the proceeds of the issuance of general obligation bonds authorized under Article III, Section 49-h of the Texas Constitution, for the two-year period beginning on the date the proceeds become available for construction, repair and renovation projects.

The bill would appropriate \$10,900,000 for fiscal year 1990 and an unspecified amount for fiscal year 1991 from the General Revenue Fund to the Texas Department of Health to be used for Chronically Ill and Disabled Children's Services (CIDC).

The bill would appropriate \$19,799,719 in fiscal year 1990 and an unspecified amount in fiscal year 1991 from the General Revenue Fund to the Department of Human Services to be used to maintain service levels established by the Seventy-first Legislature, Regular Session, and to comply with federal requirements enacted subsequently. In addition, the bill would appropriate \$3.5 million in oil overcharge receipts to the Department of Human Services to be used to assist low-income individuals with utility and transportation expenses. The bill would also authorize the department, with prior approval of the Governor and the Legislative Budget Board, to transfer from fiscal year 1991 to fiscal year 1990 \$5 million for purchased health services.

The bill would amend several riders in the General Appropriations Act to provide the Department of Human Services with greater transferability in order to reduce the amount of deficit in other items of appropriations.

The bill would also appropriate State Legalization Impact Assistance Grants (SLIAG) to each of the three departments to be used for specified services. These funds were not included in the Comptroller's certification of the General Appropriations Bill due to the uncertainty of the amount of federal funds available for the State Legalization Impact Assistance Grant program and the timing of federal reimbursements for services provided by the agencies. SLIAG funds received by the Texas Department of Health, TDMHMR, and the Department of Human Services and credited to general revenue to date in fiscal year 1990 total \$3.2 million and are estimated to be \$6.5 million in fiscal year 1991.

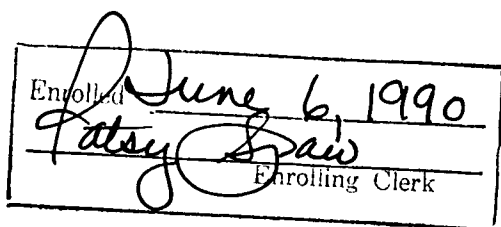
The bill would reappropriate for fiscal year 1991 any unexpended balances from a \$400,000 appropriation for fiscal year 1990 made to the State Purchasing and General Services Commission from the Capital Trust Fund No. 543 for the purpose of establishing in the capital complex area a child care center for state employees.

The funds appropriated by the bill for the Department of Mental Health and Mental Retardation, the Department of Health and the Department of Human Services would be used for recurring operating expenses and would therefore raise the base level of appropriations in fiscal years 1992 through 1994 and subsequent years, if continued by the Legislature.

No fiscal implication to units of local government is anticipated.

The bill would allow the appropriation to the Comptroller of Public Accounts for miscellaneous claims to be used for eligible expenses for outside legal council appointed before September 1, 1989 to defend indigent inmates. These payments would be exempted from the statutory limit on payment of miscellaneous claims.

Source: LBB Staff: JO, JWH, AL, JOB, GR, DG, CD, PA



S.B. No. 11

1 AN ACT

2 relating to appropriations for the biennium ending August 31, 1991.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 ARTICLE I. GENERAL PROVISION

5 SECTION 1.01. DEFINITION. In this Act, "General
6 Appropriations Act" means Chapter 1263, Acts of the 71st
7 Legislature, Regular Session, 1989.

8 ARTICLE II. REDUCTIONS IN APPROPRIATIONS

9 SECTION 2.01. BOND DEBT SERVICE. (a) The amount
10 appropriated to the National Research Laboratory Commission by Item
11 4., page III-53, General Appropriations Act, for bond debt service
12 is reduced by \$11,226,199 for the fiscal biennium ending August 31,
13 1991.

14 (b) The amount appropriated to the Texas Public Finance
15 Authority by Item 4., page I-124, General Appropriations Act, for
16 bond debt service is reduced by \$10.2 million for the fiscal
17 biennium ending August 31, 1991.

18 (c) The amount appropriated to the Texas Public Finance
19 Authority by Item 5., page I-124, General Appropriations Act, for
20 bond debt service is reduced by \$1.4 million for the fiscal
21 biennium ending August 31, 1991.

22 SECTION 2.02. STATE CONTRIBUTIONS TO GROUP INSURANCE. The
23 amount appropriated to the Employees Retirement System of Texas by
24 Item 2., page I-109, General Appropriations Act, for state
25 contributions to state employees uniform group insurance coverages

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1 for the fiscal year ending August 31, 1991, is reduced by \$11.7
2 million. Rider 6., page I-113, General Appropriations Act,
3 continues to apply to determine the rate of contribution for each
4 full-time active or retired employee.

5 SECTION 2.03. PRISON OPERATION. The total amount
6 appropriated to the Department of Corrections (Texas Department of
7 Criminal Justice) by Item 9., page I-83, General Appropriations
8 Act, for operation of additional capacity is reduced by \$9.7
9 million for the fiscal biennium ending August 31, 1991. The Texas
10 Board of Criminal Justice shall determine and certify to the
11 comptroller of public accounts the source or sources of the
12 reduction from among the subitems in Item 9.

13 SECTION 2.04. GOVERNOR. The total amount appropriated to
14 the Office of the Governor on page I-138, General Appropriations
15 Act, from the General Revenue Fund for the fiscal biennium ending
16 August 31, 1991, is reduced by \$1 million. The governor shall
17 determine and certify to the comptroller of public accounts the
18 source or sources of the reduction from among the General Revenue
19 Fund appropriations.

20 SECTION 2.05. LEGISLATURE. (a) The amount appropriated to
21 the senate by Rider 1., page VI-1, General Appropriations Act, for
22 the fiscal biennium ending August 31, 1991, is reduced by \$500,000.

23 (b) The amount appropriated to the house of representatives
24 by Rider 2., page VI-2, General Appropriations Act, for the fiscal
25 biennium ending August 31, 1991, is reduced by \$1 million.

26 (c) The amount appropriated to the Legislative Budget Board

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1 by Rider 6.a., page VI-3, General Appropriations Act, for the
2 fiscal biennium ending August 31, 1991, is reduced by \$500,000.

3 (d) The amount appropriated to the Sunset Advisory
4 Commission by Rider 8.b., page VI-4, General Appropriations Act,
5 for the fiscal biennium ending August 31, 1991, is reduced by
6 \$100,000.

7 (e) The amount appropriated to the Legislative Council by
8 Rider 1., page VI-6, General Appropriations Act, for the purposes
9 for which money is appropriated by Item 1., page VI-5 of that Act,
10 for the fiscal biennium ending August 31, 1991, is reduced by
11 \$500,000.

12 (f) The amount appropriated to the State Auditor's Office by
13 Rider 4., page VI-8, General Appropriations Act, for the fiscal
14 biennium ending August 31, 1991, is reduced by \$500,000.

15 SECTION 2.06. UNIFORM STATEWIDE ACCOUNTING SYSTEM. The
16 amount appropriated to the comptroller of public accounts for
17 allocation to state agencies for implementation of the Uniform
18 Statewide Accounting System on page I-74, General Appropriations
19 Act, is reduced by \$8 million for the fiscal biennium ending
20 August 31, 1991.

21 SECTION 2.07. ADULT PROBATION COMMISSION. (a) The amount
22 allocated to the Adult Probation Commission by Rider 1., Item 1.,
23 page I-234, General Appropriations Act, for capital outlay is
24 reduced by \$3.2 million for the fiscal biennium ending August 31,
25 1991.

26 (b) The amount appropriated by Item 2., page VII-1, General

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1 Appropriations Act, for acquisition of computer equipment and
2 software is reduced by \$3.2 million for the fiscal year ending
3 August 31, 1990.

4 SECTION 2.08. SOURCE OF REDUCTIONS. Any reductions in
5 appropriations provided for in this article are from amounts
6 previously appropriated from the General Revenue Fund unless
7 otherwise specified.

8 ARTICLE III. APPROPRIATIONS
9 TO CENTRAL EDUCATION AGENCY

10 SECTION 3.01. BUDGET REDUCTIONS. In addition to amounts
11 previously appropriated for the biennium ending August 31, 1991,
12 all amounts resulting from the reductions in appropriations from
13 the General Revenue Fund provided for in Article II of this Act,
14 estimated to be \$59,526,199, are hereby appropriated to the Central
15 Education Agency for the biennium ending August 31, 1991, for
16 purposes of distribution under the Foundation School Program.

17 SECTION 3.02. ECONOMIC STABILIZATION FUND. In addition to
18 amounts previously appropriated for the biennium ending August 31,
19 1991, all amounts in the economic stabilization fund during the
20 biennium are appropriated for that period to the Central Education
21 Agency for purposes of distribution under the Foundation School
22 Program.

23 SECTION 3.03. GENERAL REVENUE APPROPRIATION. (a) In
24 addition to sums appropriated under Chapters 1263 and 816, Acts of
25 the 71st Legislature, Regular Session, 1989, to the Central
26 Education Agency for the Foundation School Program, the sum of

See

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1 \$517,920,000 is appropriated to the agency for the fiscal year
2 ending August 31, 1991, from the General Revenue Fund, including
3 any transfers to the foundation school fund, for allocation under
4 the Foundation School Program. Of that amount, \$456,629,020 is a
5 sum certain under Subsection (d), Section 16.254, Education Code,
6 and \$61,290,980 is for purposes of Section 1.21, S.B. 1, Acts of
7 the 71st Legislature, 6th Called Session, 1990. If the amount
8 designated for purposes of Section 1.21, S.B. 1, is insufficient
9 for the purposes of that section, the commissioner of education
10 shall proportionately reduce the amount to which each district is
11 entitled under that section.

12 (b) The appropriation made by this section is reduced by any
13 amounts appropriated for that purpose by Sections 3.01 and 3.02 of
14 this article.

15 SECTION 3.04. PUBLIC EDUCATION DEVELOPMENT FUND. For the
16 fiscal year ending August 31, 1991, the sum of \$5 million is
17 transferred from the General Revenue Fund to the public education
18 development fund created under Section 11.271, Education Code, as
19 added by S.B. 1, Acts of the 71st Legislature, 6th Called Session,
20 1990, and all balances accruing to that fund are appropriated to
21 the Central Education Agency for the purposes of that fund.

22 SECTION 3.05. FACILITIES INVENTORY. For the fiscal year
23 ending August 31, 1990, the sum of \$5 million is appropriated from
24 the General Revenue Fund to the Central Education Agency for the
25 purpose of the facilities inventory under Section 16.401, Education
26 Code, and the unexpended balance is appropriated to the agency for

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1 the same purpose for the fiscal year ending August 31, 1991.

2 SECTION 3.06. PROFESSIONAL DEVELOPMENT PROGRAMS. For the
3 fiscal year ending August 31, 1991, the sum of \$80,000 is
4 appropriated from the General Revenue Fund to the Central Education
5 Agency for the purpose of funding programs referred to in
6 Subsection (e), Section 13.353, Education Code, as added by S.B. 1,
7 Acts of the 71st Legislature, 6th Called Session, 1990.

8 SECTION 3.07. GENERAL COUNSEL SALARY. In addition to the
9 salary specified by the General Appropriations Act for the exempt
10 position of general counsel of the Central Education Agency, the
11 agency may pay the general counsel up to 10 percent more than the
12 specified salary if the general counsel is certified in a specialty
13 area by the State Bar of Texas that the commissioner of education
14 determines is directly related to the employment duties of the
15 general counsel. The agency shall report any payment under this
16 section to the Legislative Budget Board at the end of each fiscal
17 year in the biennium.

18 ARTICLE IV. APPROPRIATIONS TO

19 OTHER AGENCIES

20 SECTION 4.01. TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL
21 RETARDATION. (a) In addition to amounts previously appropriated
22 for the biennium ending August 31, 1991, the sum of \$13 million is
23 appropriated, for the fiscal year ending August 31, 1991, from the
24 General Revenue Fund to the Texas Department of Mental Health and
25 Mental Retardation for the purpose of complying with the settlement
26 agreements in the RAJ and Lelsz cases, with the intent that it be

1 spent during the first six months of that fiscal year. The Texas
2 Department of Mental Health and Mental Retardation shall seek an
3 emergency appropriation during the regular session of the 72nd
4 Legislature for the purpose of maintaining compliance with court
5 orders and service levels established by this Act and the General
6 Appropriations Act.

7 (b) In addition to amounts previously appropriated for the
8 current fiscal biennium, the sum of \$6.1 million is appropriated to
9 the Texas Department of Mental Health and Mental Retardation from
10 the proceeds of the issuance of bonds previously authorized by the
11 approval of the voters of S.J.R. No. 24, Acts of the 71st
12 Legislature, Regular Session, 1989, for the two-year period
13 beginning on the date the proceeds become available. The funds are
14 to be used for the conversion of open-bay dormitories in state
15 schools as required to meet federal Intermediate Care Facility for
16 Persons with Mental Retardation (ICF-MR) standards and for other
17 court-related construction, repair, and renovation projects in
18 state facilities.

19 (c) Notwithstanding any provision of the General
20 Appropriations Act, the Texas Department of Mental Health and
21 Mental Retardation may transfer, from amounts previously
22 appropriated by Article VII of the General Appropriations Act and
23 allocated by Rider 1., page II-58, of that Act to the department
24 for capital outlay, not more than \$4 million to any other item of
25 appropriation, for the purpose of complying with the RAJ and Lelsz
26 settlement agreements. The unobligated and unexpended balance of

1 any amount transferred under this subsection during fiscal year
2 1990 is reappropriated to the department for fiscal year 1991 for
3 the same purpose for which the amount is transferred.

4 (d) Rider 10., page II-61, General Appropriations Act, is
5 amended to read as follows:

6 10. FEDERAL COLLECTIONS. The Department of Mental Health and
7 Mental Retardation shall implement procedures for maximizing
8 collections under Title XVIII and Title XIX of the Social
9 Security Act and from other third party sources as
10 reimbursement for services. All collections pertaining to
11 reimbursement for services received by the Department after
12 the effective date of this act, excluding per diem medicaid
13 reimbursement for state schools, for services provided prior
14 to September 1, 1989 are hereby appropriated for the fiscal
15 biennium ending August 31, 1991, as follows:

16 a. To the Department to offset the cost of collections.

17 b. To [Fifty--percent--of--all--remaining--collections--shall--be
18 appropriated--to] the department for expansion of community
19 services, compliance with existing settlement agreements,
20 and improvements in the quality of care for individuals
21 served by the department. [The--remaining--fifty--percent
22 shall--be--deposited--to--the--General--Revenue--Fund.]

23 (e) Rider 26., page II-64, General Appropriations Act, is
24 amended to read as follows:

25 26. REVENUE COLLECTIONS. The Texas Department of Mental Health
26 and Mental Retardation is appropriated, for the fiscal

1 biennium ending August 31, 1991, [50--percent---of] all
2 collections under Title XVIII and Title XIX of the Social
3 Security Act and other third party collections, excluding per
4 diem Medicaid reimbursement for state schools, that are in
5 excess of the amounts collected for services rendered in
6 fiscal year 1989, excluding per diem Medicaid reimbursement
7 for state schools. It is the intent of the Legislature that
8 50 percent of these funds be allocated to state facilities
9 based on each facility's pro rata share of the increased
10 collections. The remaining 50 percent of these collections
11 shall be used by the department for compliance with existing
12 settlement agreements, improvements in the quality of care for
13 individuals served by the department, or expansion of
14 community services [deposited-in-the--General--Revenue--Fund].
15 The total amount of collections appropriated to the department
16 may not exceed \$5 million in either year of the biennium. The
17 department shall provide an annual report to the Legislative
18 Budget Board and the Governor's Office of Budget and Planning
19 on revenues and expenditures as a result of this rider
20 provision.

21 (f) Rider 37., page II-66, General Appropriations Act, is
22 amended to read as follows:

23 37. AFTERCARE CONTINGENCY APPROPRIATION. In addition to funds
24 appropriated above and contingent upon TDMHMR's submission of
25 a plan to the Legislative Budget Board and the Governor for
26 meeting compliance criteria for aftercare in the RAJ case,

1 once those criteria have been clearly established, [~~and~~
2 ~~contingent-upon-the-LBB's-approval-of-that-plan,~~] \$10 million
3 from the General Revenue Fund is hereby appropriated to
4 TDMHMR, for the fiscal biennium ending August 31, 1991, for
5 providing aftercare services to persons discharged from state
6 mental hospitals.

7 (g) Rider 8., page II-60, General Appropriations Act, is
8 amended to read as follows:

9 8. UNOBLIGATED CONSTRUCTION BALANCES. Any unobligated balances
10 as of August 31, 1989, in appropriations made [~~by~~] for
11 Construction by Senate Bill No. 1, Acts of the Seventieth
12 Legislature, Second Called Session, 1987, or previous acts,
13 are hereby reappropriated for the identical purposes and
14 subject to the same restrictions for the biennium beginning
15 with the effective date [~~data~~] of this Act, except that
16 Legislative Budget Board approval of specific community-based
17 facility projects for persons who have mental retardation and
18 are difficult to place is not required and Section 128,
19 Article V, of this Act does not apply to those projects. Any
20 balances remaining in excess of the requirements of such
21 identical purposes may be allocated by the board for the
22 purpose of emergency repairs and maintenance and life safety
23 code alterations.

24 (h) Before expending any amounts appropriated by this
25 section for the fiscal year ending August 31, 1991, the Texas
26 Department of Mental Health and Mental Retardation shall submit to

1 the governor and the Legislative Budget Board an expenditure plan
2 that projects client services costs and other program costs.
3 During the 30-day period after the date of submission of the plan,
4 the department may not expend any of the appropriations, and the
5 governor or the Legislative Budget Board may disapprove the
6 expenditure of any or all of the amounts. If the department does
7 not receive, within the 30-day period, notice from the governor or
8 the Legislative Budget Board that the expenditure plan has been
9 disapproved, the department may expend the appropriations.

10 SECTION 4.02. TEXAS DEPARTMENT OF HEALTH. (a) In addition
11 to amounts previously appropriated for the biennium ending August
12 31, 1991, the sum of \$10.9 million is appropriated for the fiscal
13 year ending August 31, 1990, from the General Revenue Fund to the
14 Texas Department of Health for the chronically ill and disabled
15 children's services program. The unobligated and unexpended
16 balance of that appropriation is reappropriated, and the additional
17 sum of \$13 million is appropriated from the General Revenue Fund,
18 for the fiscal year ending August 31, 1991, to the department for
19 the same purpose.

20 (b) In order to maximize the use of federal Medicaid funds,
21 the Texas Department of Health shall, to the greatest extent
22 possible, coordinate the claims payment process for the chronically
23 ill and disabled children's services program with the Medicaid
24 payment process used by the Texas Department of Human Services.

25 (c) Before implementing substantive changes in eligibility
26 determination or case management activities under the chronically

1 ill and disabled children's services program, the Texas Department
2 of Health shall submit the proposed changes to the Maternal and
3 Child Health Advisory Committee for review and recommendation to
4 the Texas Board of Health.

5 (d) In addition to the authority otherwise provided by this
6 section, the Texas Department of Health may transfer funds
7 appropriated for the fiscal year ending August 31, 1990, from other
8 line items to the Chronically Ill and Disabled Children's Services
9 program for the purpose of restoring the income eligibility to 200
10 percent of the federal poverty level. The legislature intends that
11 the department maintain the eligibility level at 200 percent for
12 the fiscal year ending August 31, 1991, and the legislature further
13 intends to appropriate, during the regular session of the 72nd
14 Legislature, additional needed amounts to enable the department to
15 achieve this purpose.

16 (e) The department shall submit a monthly report to the
17 Governor's Office of Budget and Planning and the Legislative Budget
18 Office that provides actual and projected expenditures for
19 chronically ill and disabled children's services. The two budget
20 offices shall prescribe the form for reports required by this
21 subsection.

22 (f) Before expending any amounts appropriated by this
23 section for the fiscal year ending August 31, 1991, the Texas
24 Department of Health shall submit to the governor and the
25 Legislative Budget Board an expenditure plan that projects client
26 services costs and other program costs. During the 30-day period

1 after the date of submission of the plan, the department may not
2 expend any of the appropriations, and the governor or the
3 Legislative Budget Board may disapprove the expenditure of any or
4 all of the amounts. If the department does not receive, within the
5 30-day period, notice from the governor or the Legislative Budget
6 Board that the expenditure plan has been disapproved, the
7 department may expend the appropriations.

8 (g) The unobligated and unexpended balances of all
9 appropriations made by the General Appropriations Act to the Texas
10 Department of Health for the fiscal year ending August 31, 1990,
11 that were not otherwise reappropriated by that Act are
12 reappropriated to the department for the fiscal year ending August
13 31, 1991, for the chronically ill and disabled children's and the
14 maternal and child health programs. Before expending any amounts
15 reappropriated by this subsection, the department shall submit a
16 report to the Governor's Office of Budget and Planning and the
17 Legislative Budget Office that provides projected expenditures of
18 the reappropriated amounts for the two programs. The two budget
19 offices shall prescribe the form for the report required by this
20 subsection.

21 (h) The legislature intends that the Texas Department of
22 Health expend the appropriations made by this Act and the General
23 Appropriations Act in a manner that maintains the levels of service
24 for which funds are appropriated by this Act and were originally
25 appropriated by the General Appropriations Act. The legislature
26 further intends to appropriate, during the regular session of the

72nd Legislature, additional needed amounts to enable the department to achieve this purpose.

(i) Rider 18., page II-21, General Appropriations Act, is repealed.

(j) Notwithstanding any other section of this Act, any unobligated funds appropriated for the fiscal year ending August 31, 1990, by the General Appropriations Act for the purposes of implementing the Omnibus Health Care Rescue Act, Chapter 1027, Acts of the 71st Legislature, Regular Session, 1989, are reappropriated to the Texas Department of Health for the same purposes for the fiscal year ending August 31, 1991.

SECTION 4.03. TEXAS DEPARTMENT OF HUMAN SERVICES. (a) In addition to amounts previously appropriated for the biennium ending August 31, 1991, the sum of \$14.4 million is appropriated, for the fiscal year ending August 31, 1990, and the sum of \$45.24 million is appropriated, for the fiscal year ending August 31, 1991, from the General Revenue Fund to the Texas Department of Human Services for the purposes of maintaining service levels established by the 71st Legislature, Regular Session, 1989, and of complying with federal requirements enacted since that regular legislative session.

(b) In addition to amounts previously appropriated for the biennium ending August 31, 1991, the sum of \$3.5 million is appropriated, for that biennium, from the oil overcharge account in the General Revenue Fund to the Texas Department of Human Services for the purpose of assisting low-income individuals with utility

and transportation expenses.

(c) The Texas Department of Human Services may transfer appropriations from one item of appropriation to another for purposes of maintaining service levels established by the General Appropriations Act or of complying with federal requirements upon the approval of the Legislative Budget Board. Any transfer made under authority of this subsection must comply with the procedures provided by Rider 37.a., page II-47, General Appropriations Act.

(d) Riders 4. and 5., page II-39, General Appropriations Act, are amended to read as follows:

4. AFDC PAYMENTS AND UNEXPENDED BALANCES. Funds appropriated for payments for Aid to Families with Dependent Children shall be payable in equal monthly installments on the first day of each calendar month in fiscal year 1990. Before July 15, 1990, the Department of Human Services shall give the Comptroller of Public Accounts and the State Treasurer a statement of estimated cash flow requirements for Children's Assistance funds appropriated for fiscal year 1991. Children's Assistance funds appropriated for fiscal year 1991 are payable according to the statement of estimated cash flow requirements. Any[~~7--provided7--however7--that--any~~] balances on hand in these funds may be carried over from month to month during each fiscal year and from fiscal year 1990 to fiscal year 1991 and such funds are reappropriated to the department for the 1990-1991 biennium.

5. MEDICAL ASSISTANCE PAYMENTS AND UNEXPENDED BALANCES. Funds

1 appropriated hereinabove out of Medical Assistance funds for
2 all medical programs shall be payable in equal monthly
3 installments on the first day of each calendar month in fiscal
4 year 1990. Before July 15, 1990, the Department of Human
5 Services shall give the Comptroller of Public Accounts and the
6 State Treasurer a statement of estimated cash flow
7 requirements for Medical Assistance funds appropriated for
8 fiscal year 1991. Medical Assistance funds appropriated for
9 fiscal year 1991 are payable according to the statement of
10 estimated cash flow requirements. Any[~~that--provided,--however,~~
11 that--any] balances on hand in such funds may be carried over
12 from month to month during each fiscal year and from fiscal
13 year 1990 to fiscal year 1991, and such funds are
14 reappropriated to the department for the 1990-1991 biennium.

15 (e) The Texas Department of Human Services shall, not later
16 than September 1, 1990, submit a report on the department's
17 remaining budget shortfall projected for the fiscal year ending
18 August 31, 1991, to the governor and the Legislative Budget Board
19 in a format prescribed by the Legislative Budget Office. The
20 report shall include information on any transfers made between
21 programs or activities for the fiscal year ending August 31, 1991,
22 cost-containment procedures undertaken by the department, and
23 efforts to pursue federal or third-party funding.

24 (f) In addition to the authority otherwise provided by this
25 section, the Texas Department of Human Services, with the prior
26 approval of the governor and Legislative Budget Board, may transfer

1 an amount not to exceed \$16 million from fiscal year 1991
2 appropriations for purchased health services to 1990 appropriations
3 for purchased health services to maintain current levels of
4 service.

5 (g) The legislature intends that the Texas Department of
6 Human Services expend the appropriations made by this Act and the
7 General Appropriations Act in a manner that maintains the levels of
8 service for which funds are appropriated by this Act and were
9 originally appropriated by the General Appropriations Act. The
10 legislature further intends to appropriate, during the regular
11 session of the 72nd Legislature, additional needed amounts to
12 enable the department to achieve this purpose.

13 SECTION 4.04. APPROPRIATION OF STATE LEGALIZATION IMPACT
14 ASSISTANCE GRANTS. Section 102., Article V, pages V-86, 87,
15 General Appropriations Act, is amended to read as follows:

16 Sec. 102. STATE LEGALIZATION IMPACT ASSISTANCE GRANTS.

17 1. Federal State Legalization Impact Assistance Grant (SLIAG)
18 funds received by state agencies as reimbursement in fiscal
19 year 1990 and fiscal year 1991 for SLIAG-related
20 administrative costs, costs of providing language and
21 citizenship classes, or costs incurred by local units of
22 government in providing services to eligible legalized aliens
23 are hereby appropriated for the purpose of augmenting existing
24 state appropriations or reimbursing local units of government.
25 Otherwise, federal SLIAG funds received by state agencies in
26 fiscal year 1990 and fiscal year 1991 as reimbursement for

costs incurred in providing services to eligible legalized aliens paid for out of existing program appropriations shall be deposited to the General Revenue Fund, with the following exceptions:

a. SLIAG funds received by the Department of Health in excess of those appropriated to the department by Article II of this Act are appropriated to the department for the biennium for chronically ill and disabled children's services;

b. SLIAG funds received by the Department of Mental Health and Mental Retardation are appropriated to the department for the biennium for compliance with existing settlement agreements, improvements in the quality of care for individuals served by the department, and expansion of community services; and

c. SLIAG funds received by the Department of Human Services are appropriated to the department for the biennium for AFDC-related premiums for the purchased health services program.

2. Agencies receiving State Legalization Impact Assistance Grant (SLIAG) funds during fiscal year 1990 and 1991 shall submit a report at the end of each fiscal year to the Legislative Budget Office, the Governor's Office of Budget and Planning, and the Health and Human Services Coordinating Council detailing the actual amount of SLIAG funds received and the purposes for which the funds were expended.

1 SECTION 4.05. STATE PURCHASING AND GENERAL SERVICES
2 COMMISSION. Rider 41., page I-253, General Appropriations Act, is
3 amended to read as follows:

4 41. CONTINGENCY FOR SENATE BILL NO. 1480. Contingent upon
5 enactment of Senate Bill No. 1480, Acts of the Seventy-first
6 Legislature, Regular Session, or other similar legislation,
7 \$400,000 for fiscal year 1990 from the Capital Trust Fund No.
8 543 is hereby appropriated for the purpose of implementing the
9 provisions of the Act. The unobligated and unexpended balance
10 of that appropriation is reappropriated for fiscal year 1991
11 to the State Purchasing and General Services Commission for
12 the same purpose.

13 SECTION 4.06. BOND REVIEW BOARD. The unobligated and
14 unexpended balances of all appropriations made by the General
15 Appropriations Act to the bond review board for the fiscal year
16 ending August 31, 1990, are reappropriated to the board for the
17 fiscal year ending August 31, 1991, for the purposes for which the
18 appropriations were made by the General Appropriations Act.

19 SECTION 4.07. STATE BOARD OF INSURANCE. The appropriations
20 made by Section 17.15, Chapter 1, Acts of the 71st Legislature, 2nd
21 Called Session, 1989, to the State Board of Insurance for the
22 fiscal year ending August 31, 1990, take effect immediately. The
23 unobligated and unexpended balances of those appropriations are
24 reappropriated to the board for the fiscal year ending August 31,
25 1991, for the same purposes for which they were appropriated by
26 Chapter 1, Acts of the 71st Legislature, 2nd Called Session, 1989.

1 SECTION 4.08. COMPTROLLER OF PUBLIC ACCOUNTS--INDIGENT
2 DEFENSE CLAIMS. The appropriation to the comptroller of public
3 accounts for purposes of Section 403.074, Government Code, made by
4 the General Appropriations Act, page I-77, may also be used for the
5 purpose of paying costs incurred under Article 26.055, Code of
6 Criminal Procedure, for eligible expenses related to outside legal
7 counsel appointed to defend an indigent inmate on whose behalf the
8 appointment occurred before September 1, 1989. The statutory limit
9 on payment of miscellaneous claims imposed by Section 403.074,
10 Government Code, does not apply to the payments authorized by this
11 section.

12 ARTICLE V. MISCELLANEOUS PROVISION

13 SECTION 5.01. EMERGENCY. The importance of this legislation
14 and the crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended,
18 and that this Act take effect and be in force from and after its
19 passage, and it is so enacted.

S.B. No. 11

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 11 passed the Senate on June 5, 1990, by the following vote: Yeas 30, Nays 0; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas.

Secretary of the Senate

I hereby certify that S.B. No. 11 passed the House on June 6, 1990, by the following vote: Yeas 142, Nays 2; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas.

Chief Clerk of the House

Approved:

Date

Governor

I, Bob Bullock, Comptroller of Public Accounts, do hereby certify that the amounts appropriated in the herein S.B. No. 11, 6th Called Session, 71st Legislature, are within the amount estimated to be available in the affected fund.

Certified _____, 1990.

Comptroller of Public Accounts

rec

S.B. No. 11

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 11 passed the Senate on June 5, 1990, by the following vote: Yeas 30, Nays 0; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas.

Secretary of the Senate

I hereby certify that S.B. No. 11 passed the House on June 6, 1990, by the following vote: Yeas 142, Nays 2; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas.

Chief Clerk of the House

Approved:

Date

Governor

6th Called

I, Bob Bullock, Comptroller of Public Accounts, do hereby certify that the amounts appropriated in the herein S.B. No. 11, Regular Session, 71st Legislature, are within the amount estimated to be available in the affected fund.

Certified _____, 1990.

Comptroller of Public Accounts

S. B. No. 11

By Lyons

A BILL TO BE ENTITLED

AN ACT: relating to appropriations for the biennium ending August 31, 1991.

6-4-90 Filed with the Secretary of the Senate

JUN 4 1990 Read and referred to Committee on FINANCE

Reported favorably

JUN 5 1990

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

JUN 5 1990

Ordered not printed

Laid before the Senate

JUN 5 1990

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

____ years, ____ nays

JUN 5 1990

Read second time, amended, and ordered engrossed by:

unanimous consent

a viva voce vote

____ years, ____ nays

JUN 5 1990

Caption ordered amended to conform to the body of the bill.

JUN 5 1990

Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 0 nays.

JUN 5 1990

Read third time, _____, and passed by 30 yeas, 0 nays.

Betty King

SECRETARY OF THE SENATE

OTHER ACTION:

June 5, 1990 Engrossed

June 5, 1990 Sent to House

Engrossing Clerk Latsy Spaw

JUN 5 1990

Received from the Senate

JUN 5 1990

Read first time and referred to Committee on State Affairs

JUN 5 1990

Reported favorably amended, sent to Printer at 9:40pm

JUN 6 1990

Printed and Distributed 1:17am

JUN 6 1990

Sent to Committee on Calendars 4:38am

JUN 6 1990

Read Second time (amended): passed to third reading (amended)

b. (Non-Record Vote) Record Vote of ____ yeas, ____ nays, ____ present not voting

JUN 6 1990

Constitutional Rule requiring bills to be read on three several days suspended (amended) by a four-fifths vote of 140 yeas, 3 nays, 0 present not voting.

JUN 6 1990

Read third time (amended); finally passed (amended) by a (Non-Record Vote) Record Vote of 142 yeas, 2 nays, 0 present not voting.

Caption ordered amended to conform to body of bill.

JUN 6 1990

Returned to Senate.

Passed, subject to Art III,
Sec. 49a, Texas Constitution

Betty Murray
CHIEF CLERK OF THE HOUSE

JUN 6 1990

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, ____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____,
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged .

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

90 JUN -6 AM 1:17

HOUSE OF REPRESENTATIVES